



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application for an Order of Possession based on the Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$7,125.00, and a request for recovery of the \$100.00 filing fee.

Some documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order of \$7,125 and recovery of the filing fee?

Background and Evidence

The applicant testified that:

- On June 25, 2012 the tenant signed a tenancy agreement with a monthly rent of \$1750.00.
- The rent was paid in full for approximately 6 months, and then the tenant started falling behind on the rent.

- As of today's date there is a total of \$6,725.00 in rent outstanding and therefore they are requesting a Monetary Order for the outstanding rent and the \$100.00 filing fee.
- The tenant was served with a 10 day Notice to End Tenancy on August 2, 2013 and has failed to comply with that notice.
- He is also therefore requesting an Order of Possession for as soon as possible.

The tenant testified that:

- She did sign a tenancy agreement that states rent is \$1750.00 per month; however the landlord knew that she could not afford that full amount and would have to be renting out the basement suite.
- Her daughter is now living in the basement suite, but has not been paying rent and therefore she has only paid her portion of the rent per month that she gets from human resources which is \$900.00 per month.
- She believes the landlord should be filing his claim against her daughter who lives in the basement suite as it is she who was not been paying the rent.
- She did receive a Notice to End Tenancy and has filed no dispute of that notice as she is planning to vacate the rental unit.

Analysis

It's my finding that the respondent is responsible for the full \$1750.00 per month rent as she is the only tenant on the tenancy agreement.

Therefore I accept the landlords full reduce claim for outstanding rent of \$6,725.00 as the tenant has admitted that the full rent has not been paid every month.

The tenant believes that the landlord should be going after her daughter, however her daughter is not on the tenancy agreement and therefore the landlord cannot make a claim against her daughter.

Further since the tenant has not disputed the Notice to End Tenancy I've also issued an Order of Possession to the landlords.

I also order recovery of the \$100.00 filing fee.

Conclusion

I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

I have issued a Monetary Order in the amount of \$6,825.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 17, 2013

Residential Tenancy Branch

