



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GATEWAY PROPERTY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: MNR OPR MNSD FF

### **Introduction:**

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

### **SERVICE:**

Both parties attended and the tenant agreed he received personally the Notice to end Tenancy dated September 5, 2013 posted on the door and the Application for Dispute Resolution personally. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

### **Issue(s) to be Decided:**

The tenant was issued a Notice to End Tenancy dated September 5, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in December 2012, a security deposit of \$362.50 was paid on November 18, 2012 and rent is currently \$725 a month. It is undisputed that the tenant owes \$485 in rent arrears but has paid the balance over the past month.

The landlord said they understood the tenant had experienced unfortunate circumstances, he is a good tenant and they are happy to have him as a tenant. The

parties agreed that the tenancy would continue provided the tenant paid to the landlord \$485 plus the filing fee as soon as possible.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis**

Order of Possession

I find the landlord no longer requests an Order of Possession.

Monetary Order

I find the parties agreed that there is \$485 in rental arrears and the landlord will receive a monetary order for this amount.

**Conclusion:**

I find the landlord is entitled to a monetary order for \$485 rent arrears plus the \$50 filing fee for this application. A monetary order for \$535 is enclosed.

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: October 29, 2013

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Residential Tenancy Branch

