



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to applications by the landlords and the tenant.

The landlords' application is seeking orders as follows:

1. For an order of possession;
2. For a monetary order for unpaid rent;
3. To keep all or part of the security deposit; and
4. To recover the cost of filing the application.

The tenant's application is seeking orders as follows:

1. For a monetary order for compensation or loss under the Act.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

On August 13, 2013, the tenant's application for dispute resolution was scheduled to be heard. At the hearing the arbitrator found the notice to end tenancy was valid and the tenant's application to cancel the notice was dismissed.

Issues

Are the landlords entitled to an order of possession?

Are the landlords entitled to a monetary order for unpaid rent?

Are the landlords entitled to keep all or part of the security deposit?

Is the tenant entitled to a monetary compensation for loss or damage under the Act?

Background and Evidence

The tenancy began November 2011. Rent in the amount of \$695.00 was due on the first of each month. The tenant paid a security deposit of \$347.50.

The landlord stated that they seek an order of possession based on unpaid rent. The landlord stated the tenant's application to cancel the notice was dismissed at the previous hearing.

The parties agreed as of October 1, 2013, the tenant owed the landlord the amount of \$3,118.14 in unpaid rent.

The parties agreed that the landlords will compensate the tenant the amount of \$500.00 in full satisfaction of the tenant's claim and that this amount will be reduced from the landlord claims.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

On August 13, 2013, the parties attended a dispute resolution hearing. At that hearing the tenant's application to cancel the notice to end tenancy was dismissed. Under section 55 of the Act, if the tenant's application to cancel the notice to end tenancy is dismissed or upheld, upon application the landlord is entitled to receive an order of possession.

I find that the landlords are entitled to an order of possession effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

In this case, the parties agreed that the total amount of outstanding rent was \$3,118.14, as of October 1, 2013. The parties agreed that landlord will compensate the tenant the amount of \$500.00, in full satisfaction of the tenant's claim and that amount will be deducted from the outstanding rent.

I find that the tenant has established a total monetary claim of \$500.00.

I find that the landlords have established a total monetary claim of \$3,168.14 for unpaid rent and the \$50.00 fee paid for the application. The tenant's monetary claim will be deducted from the landlords' total monetary claim and the balance remaining to the landlords is \$2,668.14.

I order that the landlords retain the deposit and interest of \$347.50 in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of **\$2,320.64**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The tenant's monetary award is deducted from the landlords' monetary award. The landlords may keep the security deposit and interest in partial satisfaction of the claim. I grant the landlords a monetary order for the balance due.

The landlord is granted an order of possession.

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 02, 2013

Residential Tenancy Branch

