



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNR, MNSD, MNDC, FF

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy that was given for cause, a request for a Monetary Order for \$1650.00, and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the parties 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

Are the landlords entitled to an Order of Possession?

Are the landlords entitled to a Monetary Order, and if so for how much?

## Background and Evidence

The applicants testified that:

- This tenancy began on May 1, 2011 with the monthly rent of \$660.00, and at that time a security deposit of \$330.00 was collected.
- On September 27, 2013 the tenant was served with a one-month Notice to End Tenancy.
- The tenant filed no dispute of the Notice to End Tenancy, however, to date, the tenant has failed to comply with that notice, and has failed to pay any rent for the months of October 2013 and November 2013
- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for the outstanding rent to the end of November 2013.
- They also request an Order to keep the full security deposit.

The respondent testified that:

- He did receive a one-month Notice to End Tenancy on September 27, 2013 however he was unable to find a suitable rental unit by the end of tenancy date.
- He has now acquired a new rental unit and will be moving out of the rental unit on November 30, 2013.
- He has not paid any rent for the months of October 2013, or November 2013 because the landlord gave him a letter stating that any monies paid would be for use and occupancy only and would not reinstate the tenancy.

## Analysis

The tenant was served with a valid one-month Notice to End Tenancy and filed no dispute of that notice, and therefore he should have vacated the rental unit at the end of October 2013 and since he did not the landlords do have the right to an Order of Possession.

The tenant has also admitted that he failed to pay any rent for the months of October 2013, and November 2013, and therefore I also allow the landlords claim for that outstanding rent.

I also allow the request for recovery of the \$50.00 filing fee.

### Conclusion

I have issued an Order of Possession for 1:00 PM on November 30, 2013.

I have allowed a monetary claim of \$1370.00 and I therefore Order that the landlords may retain the full security deposit of \$330.00 towards the claim, and I've issued a Monetary Order in the amount of \$1040.00.

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: November 27, 2013

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Residential Tenancy Branch

