



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding STRATA'S CHOICE PROPERTY MANAGEMENT LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** *OPR, CNR, MNR, MNSD, MT, ERP, MNDC, RP, FF*

### **Introduction**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee and to retain the security deposit. The tenant applied for an order to cancel the notice to end tenancy and for an order directing the landlord to carry out repairs. The tenant also applied for a monetary order for compensation for loss under the *Act* and for the filing fee.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

During the hearing the landlord expressed surprise about a counter claim from the tenant and stated that she had not been served with a notice of the tenant's application. The tenant agreed that she had not served the landlord and stated that she decided to end the tenancy effective December 01, 2013 and wished to withdraw her application. Accordingly this hearing only dealt with the landlord's application.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

### **Background and Evidence**

The tenancy started on July 19, 2013 for a fixed term of one year. The rent is \$750.00 per month due on the first day of each month. Prior to moving in the tenant paid a security deposit of \$375.00.

The tenant stated that she will be moving out on December 01, 2013. An order of possession will be granted to the landlord effective this date.

The tenant also agreed that she owed the landlord rent, late fees and nsf fees in the amount of \$1,590.00. Since the landlord has proven her claim, I award her the recovery of the filing fee of \$50.00.

### **Analysis**

The tenant agreed to move out on December 01, 2013. Pursuant to section 55(2) I am issuing a formal order of possession effective this date. The Order may be filed in the Supreme Court for enforcement.

The landlord has proven her claim of \$1,590.00. . I order that the landlord retain the security deposit of \$375.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,265.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective on or before **1:00 pm on December 01, 2013**. I also grant the landlord a monetary order in the amount of **\$1,265.00**.

The tenant's application is dismissed in its entirety.

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

