



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for unpaid rent and a monetary order for outstanding rent. The landlord and the tenant participated in the teleconference hearing.

Preliminary Issues

Notice to End Tenancy

The tenancy began on July 15, 2013, with monthly rent in the amount of \$1200 due in advance on the first day of each month. On December 7, 2013, the landlord served the tenant a notice to end tenancy for unpaid rent of \$1800 due on December 1, 2013. The notice did not indicate a breakdown of this amount. In the hearing, the landlord stated that as of December 7, 2013, the tenant owed \$1200 for unpaid rent and \$600 for the security deposit, which the tenant had not yet paid. I informed the parties that in a notice to end tenancy for unpaid rent, the outstanding amount claimed may only be for rent, aside from utilities which must be claimed separately. Further, a landlord may only require a security deposit from the tenant at the time of entering into the tenancy agreement. For these reasons, I found that the notice to end tenancy dated December 7, 2013 was not valid, and I dismissed the landlord's claim for an order of possession pursuant to that notice.

Monetary Claim

In their application, filed December 18, 2013, the landlord applied for \$1800 in unpaid rent. In the hearing the landlord claimed that as of today the tenant owed \$1500 in unpaid rent. The tenant disputed this amount, stating that she only owed \$750. As the landlord applied for an incorrect amount of unpaid rent, and as the parties disputed the

current outstanding amount, I determined it was appropriate to dismiss the landlord's monetary application with leave to reapply.

Conclusion

I dismiss the landlord's application for an order of possession pursuant to the notice to end tenancy for unpaid rent dated December 7, 2013.

I dismiss with leave to reapply the landlord's monetary claim.

As the landlord's application was not successful, I decline to award the landlord recovery of the filing fee for the cost of their application.

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: January 8, 2014

Residential Tenancy Branch

