



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, CNR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was personally served on the Tenant on November 27, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by each party was personally served on the other. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated November 27, 2013?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- e. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 1, 2008 and continue on a month to month basis. The rent is \$1100 per month payable on the first day of each month. The tenant paid a security deposit of \$550 on August 1, 2008.

The tenant(s) failed to pay the rent and the sum of \$4625 remains owing to the end of December 2013. The tenant(s) have remained in the rental unit.

Tenant's Application:

I dismissed the tenant's application to cancel the Notice to End Tenancy. The tenant testified that she thought the amount claimed by the landlord was excessive but she failed to keep sufficient evidence to dispute the landlords claim.

Landlord's Application:

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant's application to cancel the 10 day Notice to End Tenancy has been dismissed. Accordingly, I granted the landlord an Order for Possession. **The parties agreed that I should set the effective date of the Order for Possession for January 20, 2014.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent the rent and the sum of \$4625 remains owing to the end of December 2013. I granted the landlord a monetary order in the sum of \$4625 plus the sum of \$50 in respect of the filing fee for a total of \$4675.

Security Deposit

I determined the security deposit plus interest totals the sum of \$550. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$4125.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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 13, 2014

Residential Tenancy Branch

