



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Royal LePage Merritt Real Estate Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNSD, MNR, OPR

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for \$3300.00.

The applicant is also requesting an Order to retain the full security deposit of \$450.00 towards the claim.

Some documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by personal service on February 3, 2014, however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent was properly served with notice of today's hearing and therefore the hearing was held, in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

At the beginning of the hearing the applicant stated that they are withdrawing a request for an Order of Possession, and they are reducing their monetary claim to \$1840.00.

The issue therefore is whether or not the applicant's have established a monetary claim for \$1840.00.

Background and Evidence

The applicant testified that:

- The tenant had fallen well behind on the rent and therefore on January 2, 2014 a 10 day Notice to End Tenancy was served on the tenant.
- They have since been working with the tenant and the Ministry to bring the rent up to date, and as of today's date only \$1840.00 remains outstanding.
- There is now a plan in place to help the tenant catch up on the outstanding rent and therefore they are withdrawing the request for an Order of Possession because they are going to allow the tenancy to continue.
- They do however still request a Monetary Order for the \$1840.00 rent that remains outstanding.
- They also request that the security deposit remain in place and are no longer requesting an order to retain the deposit towards this claim.

Analysis

It is my finding that the applicants have shown that the tenant is making an effort to catch up on the outstanding rent; however they have also shown that there is still \$1840.00 in rent outstanding and I therefore allow the request for an Order for the outstanding rent.

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

Conclusion

The applicants have withdrawn their request for an Order of Possession and have withdrawn their request to retain the security deposit towards their monetary claim.

I have allowed the applicant's full reduced monetary claim of \$1890.00 which includes the filing fee.

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: March 24, 2014

Residential Tenancy Branch

