



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Grey Mountain Holdings Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNR, OPR, MNSD, MNDC, CNR, FF

Introduction

This was a cross-application hearing.

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession, a monetary Order for unpaid rent and compensation for damage or loss under the Act, to retain the security deposit and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The tenant applied to cancel a 10 day Notice to end tenancy for unpaid rent.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the testimony provided.

Preliminary Matters

The tenant said that he left the keys to the unit under the landlord's door on March 31, 2014. The tenant stated the landlord now has possession of the unit and that he has vacated. The landlord has the keys but did not know who had dropped the keys off.

There was no claim in relation to damage or loss under the Act.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession?

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to retain the deposit paid by the tenant?

Is the landlord entitled to filing fee costs?

Background and Evidence

The tenancy commenced on December 1, 2012; rent was \$500.00 due on the 1st day of each month. A security deposit in the sum of \$250.00 was paid.

The tenant disputed a 10 day Notice to end tenancy for unpaid rent which was issued on February 7, 2014.

The tenant agreed that he owed the following sums:

- \$250.00 - January 2014;
- \$500.00 – February 2014; and
- \$500.00 – March 2014.

Therefore, as the tenant agreed to the sum owed; the parties reached a mutually settled agreement in relation to unpaid rent.

Opportunity to settle dispute

63 (1) *The director may assist the parties, or offer the parties an opportunity, to settle their dispute.*

(2) *If the parties settle their dispute during dispute resolution proceedings, the director may record the settlement in the form of a decision or an order.*

Therefore, in support of the tenant and landlord agreement that rent is owed as indicated above, I Order the tenant to pay the landlord \$1,250.00 (January to March, 2014 rent, inclusive.)

As the landlord is holding a security deposit in the sum of \$250.00 I find, pursuant to section 72 of the Act, that the deposit may be retained in partial satisfaction of the sum owed for rent.

As the landlord's claim has merit I find the landlord is entitled to recover the \$50.00 filing fee.

Based on these determinations I grant the landlord a monetary Order for the balance owed in the sum of \$1,050.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

The landlord has been granted an Order of possession that is effective **two days after it is served upon the tenant**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court. This Order has been issued in support of the tenant's acknowledgement that the tenancy has ended.

Conclusion

The tenant did not dispute the amount of rent owed; an Order for payment has been issued.

The landlord has been issued an Order of possession.

The landlord will retain the security deposit.

The landlord is entitled to filing fee costs.

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: April 02, 2014

Residential Tenancy Branch

