



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Camy Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$11,200.00, and a request for recovery of the \$100.00 filing fee.

Some documentary evidence and written arguments have been submitted by the parties prior to the hearing.

I have given the parties the opportunity to present all relevant evidence, and to give oral testimony, and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order or \$11,200.00 and recovery of the \$100.00 filing fee?

Background and Evidence

The applicant testified that:

- This tenancy began on June 10, 2013 with a monthly rent of \$1600.00.
- The tenant stopped paying rent at the end of November 2013 and therefore the rent for December 2013 through June 2014 is outstanding.

- A Notice to End Tenancy was served on the tenant on February 4, 2014 however the tenant has failed to comply with that notice and has failed to pay any further rent.
- They are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding \$11,200.00.
- They are also requesting recovery of the \$100.00 filing fee.

The respondent testified that:

- He does not dispute the amount of rent outstanding; however it was because he lost his job.
- He now has a new job and he can pay the June 2014 rent in about two days, and he will pay the full outstanding rent by July 15, 2014.
- He is therefore asking that the landlord allow this tenancy to continue.

In response to the tenant's testimony the landlord testified that:

- He absolutely does not agree to the tenants request and is still requesting an Order of Possession and an Order for the full outstanding rent and filing fee.
- If the tenant immediately pays the full outstanding rent he will allow the tenancy to continue.

Analysis

The tenant has admitted that he owes the full \$11,200.00 claimed by the landlord and therefore I will be issuing an Order for that full amount.

I also allow the landlords request for an Order of Possession as this rent is well past due, and the tenant has been served with a valid Notice to End Tenancy.

I also allow the request for recovery of the \$100.00 filing fee.

The landlord has withdrawn his request to retain the security deposit towards the claim and has asked that an Order be issued for the full amount of outstanding rent.

Conclusion

Pursuant to section 55 of the Residential Tenancy Act, I have issued an Order of Possession that is enforceable two days after service on the tenants.

Pursuant to section 67 of the Residential Tenancy Act, I have issued a Monetary Order in the amount of \$11,300.00.

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: June 11, 2014

Residential Tenancy Branch