



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MND, MNR, OPR, O, OLC, LRE

### Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were heard together.

Some documentary evidence and written arguments has 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

The issue I dealt with is whether or not to uphold or set aside Notice to End Tenancy and whether to issue an Order of Possession and Monetary Order.

### Background and Evidence

The landlord testified that:

- The tenants had fallen behind on the rent and therefore on August 8, 2014 he personally served the tenants with a 10 day Notice to End Tenancy for nonpayment of rent in the amount of \$1060.00.
- The tenants have failed to pay that outstanding rent, and in fact now the total outstanding rent is \$1500.00.
- The tenants also failed to comply with a 10 day Notice to End Tenancy.
- He is therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent.

The tenants testified that:

- They do owe \$1500.00 rent, however it's because they had to kick out one of their co-tenants and therefore do not have his portion of the rent, plus one other co-tenant is waiting for money from social services.
- They are therefore unsure whether or not they owe the full amount as a portion was to be paid by their co-tenant.
- They want to stay in the rental unit and would like to work out some way of paying the outstanding rent if they do owe the money.
- If they do have to vacate, they request that they be allowed to stay at least until September 30, 2014.

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

- He is unwilling to allow this tenancy to continue, however he will allow the tenants to stay until September 30, 2014.

### Analysis

It's my finding that the landlord has shown that the tenants have failed to pay rent totaling \$1500.00 to the end of September 2014. The tenants are still liable for the full amount of rent, even if one of their roommates moves out of the rental unit, and I therefore allow the landlords claim for that outstanding rent.

It is also my finding that the tenants have been served with a valid 10 day Notice to End Tenancy and have failed to comply with that notice, and therefore I also allow the request for an Order of Possession.

I will not allow the tenants request to cancel the Notice to End Tenancy.

### Conclusion

I have issued a Monetary Order pursuant to section 67 of the Residential Tenancy Act, in the amount of \$1500.00.

I have issued an Order of Possession pursuant to section 55 of the Residential Tenancy Act, for 1:00 p.m. on September 30, 2014.

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: September 16, 2014

---

Residential Tenancy Branch

