



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Bristol Estates  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, MNSD, FF

### Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave undisputed testimony.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order?  
Is the landlord entitled to retain the security deposit?

### Background and Evidence

This tenancy began on March 15, 2010 on a fixed term tenancy until February 28, 2011 and then thereafter on a month to month basis as shown by the submitted signed copy of the tenancy agreement. The monthly rent was \$900.00 and a pet damage deposit of \$450.00 and a security deposit of \$450.00 were paid on March 2, 2010. A signed notice of a rent increase dated February 26, 2012 shows that rent was \$900.00 and was increased to \$930.00 as of June 1, 2012.

Both parties agreed that the tenant currently owes as of the date of this hearing, \$1,335.00 in outstanding rent. Both parties also agreed that the tenant owes \$50.00 for two late rent payments of \$25.00 each. The tenant has acknowledged that rent was owed and that it was not paid on time. The tenant has also stated that she is not disputing the landlord's claim for an order of possession as a result of the 10 day notice to end tenancy issued for unpaid rent being served upon her.

### Analysis

As the tenant has acknowledge in her direct testimony that she is not disputing the landlord's claim for an order of possession and a monetary order for unpaid rent, I find that the landlord is entitled to an order of possession. The tenant has also confirmed the landlord's direct testimony that rent of \$1,335.00 is owed and \$50.00 in late fees is also owed. As a result, I grant the landlord an order of possession. The order must be served upon the tenant. Should the tenant fail to comply the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that a total claim of \$1,385.00 in unpaid rent and late fees has been established. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$900.00 combined pet damage and security deposits and grant the landlord a monetary order under section 67 for the balance due of \$535.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$535.00. The landlord may retain the pet damage and security deposits.

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: November 27, 2014

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Residential Tenancy Branch

