



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Prudential Kelowna Properties  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, OPC, MNSD, FF

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy, request for a Monetary Order for outstanding rent, a request for recovery of the filing fee, and a request to retain the full security deposit towards the claim.

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

- Does the landlord have the right to an Order of Possession?
- Has the landlord establish the monetary claim against the respondent, and if so in what amount.

### Background and Evidence

This tenancy began June 15, 2014 with the monthly rent of \$750.00.

On September 24, 2014 the landlord served the tenant with a one-month Notice to End Tenancy; however the tenant has failed to comply with that notice.

The landlord is requesting an Order of Possession, and a Monetary Order for outstanding rent totaling \$1500.00.

The tenant stated that he does not dispute the request for an Order of Possession; however he asks to be allowed to stay until December 31, 2014.

The tenant also does not dispute the request for outstanding rent to the end of December 2014, however he stated he is unable to pay all at once and therefore will have to work out some kind of payment plan.

The landlord stated that they're willing to allow the tenant to stay to December 31, 2014 as long as an Order of Possession is issued, and an Order is issued for rent to the end of December 2014.

### Analysis

Since the parties are in agreement I will issue an Order of Possession for December 31, 2014.

The parties also agree on the amount of outstanding rent, and therefore I allow the landlords claim for rent to the end of December 2014, totaling \$1500.00.

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

Conclusion

I have issued an Order of Possession for 1:00 PM on December 31, 2014.

I have allowed the landlords full monetary claim of \$1550.00 and I therefore Order that the landlord may retain the full security deposit of \$375.00, and I have issued a Monetary Order for \$1175.00.

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: December 15, 2014

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Residential Tenancy Branch

