



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF, CNR

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenants have applied seeking an order to set aside the notice to end tenancy. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Is the tenant entitled to have the notice set aside?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about February 1, 2014. Rent in the amount of \$1000.00 is payable in advance on the first day of each month. The tenant failed to pay rent that was due on July 31, 2015 and on August 6, 2015 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent that was due on August 31 and September 30. The landlord requests an order of possession and a monetary order of \$3000.00 plus the \$50.00 filing fee. The landlord disputes that any verbal agreement was met.

The tenant gave the following testimony:

The tenant stated that they paid the rent that was due on July 31, 2015 but don't know where the receipt is. The tenant stated that they had a verbal agreement with the

landlord that they didn't have to pay August and September rent if they moved out by October 1, 2015.

Analysis

I accept the landlord's testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although the tenant did apply for dispute resolution to dispute the notice; they did not submit sufficient evidence to have the notice set aside. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, 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 the landlord has established a claim for \$3000.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$3050.00. 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 \$3050.00.

The tenant's application is dismissed in its entirety.

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: October 26, 2015

Residential Tenancy Branch

