



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MMNSD, CNR, FF

This hearing dealt with two related applications. One was an application by the landlord for an order of possession based upon a 10 Day Notice to End Tenancy for Non-Payment of Rent, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. The other was an application by the tenant for an order setting aside the notice to end tenancy. Both parties appeared.

After a difficult discussion and a more difficult decision process the parties agreed as follows:

1. The tenancy will end at 1:00 pm on January 29, 2016 and an order of possession will be granted to the landlord for that date. If necessary, this order may be filed in the Supreme Court and enforced as an order of that court.
2. The monthly rent has been increased to \$1998.75 and the tenant has not paid the December and January rents in the amount of \$3997.50. In addition the landlord is entitled to retain the security deposit of \$975.00 in partial satisfaction of the claim and an order allowing her to keep the security deposit is made. The landlord will be granted a monetary order in the amount of \$3027.50 which represents the arrears the arrears of rent for December and January in the amount of \$3997.50 plus the \$50.00 fee paid by the landlord to file this application less the security deposit of \$975.00. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that court.

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: January 12, 2016

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Residential Tenancy Branch

