



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlord: OPR, OPB, MNSD, MNDC, FF
Tenant: MT, CNR

Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and the tenant sought more time to cancel a notice to end tenancy and to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord, his wife, and the tenant.

At the outset of the hearing the tenant stated that she was in the process of moving out of the rental unit and that she had only 10 boxes left to be removed. She stated that she would have everything moved out today. The parties agreed to meet at the rental unit at 4:00 today to complete the move out inspection.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the tenant is entitled to more time to apply to cancel a notice to end tenancy and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Sections 46 and 66 of the *Act*.

Background and Evidence

The landlord submitted into evidence the following relevant documentary evidence:

- A copy of a tenancy agreement signed by the parties on January 26, 2015 for a month to month tenancy agreement for a monthly rent of \$850.00 due on the 1st of each month with a security deposit of \$425.00 paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on January 2, 2016 with an effective vacancy date of January 1, 2016 due to \$1,250.00 in unpaid rent.

The tenant submitted into evidence the following documentary evidence:

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on December 7, 2015 with an effective vacancy date of December 17, 2015 due to \$400.00 in unpaid rent;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on January 2, 2016 with an effective vacancy date of January 1, 2016 due to \$1,250.00 in unpaid rent; and
- A copy of a 1 Month Notice to End Tenancy for Cause issued by the landlord on December 21, 2015 with an effective vacancy date of January 31, 2016 citing the tenant is repeatedly late paying rent.

As the tenant was moving out she no longer disputes any of the notices to end tenancy. The parties agreed that the tenant owed the landlord \$400.00 for December 2015 rent; \$850.00 for January 2016 rent; and \$146.55 for February 2016, based on a per diem rate to today's date.

Analysis

Based on the agreement of both parties I find the landlord is entitled to an order of possession and a monetary order.

Conclusion

I grant the landlord an order of possession effective **February 5, 2016 after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,496.55** comprised of \$1,396.55 rent owed and the \$100.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$425.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,071.55**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: February 05, 2016

Residential Tenancy Branch

