



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order that the landlord comply with the Act, Regulations and/or tenancy agreement.

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$1325 for unpaid rent
- c. An Order to retain the security deposit.
- d. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing filed by each party was personally served on the other on December 7, 2016. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy started on January 1, 2014. The parties have entered into 6 fixed term tenancy agreements with the latest providing that the tenancy would start on September 1, 2016, end on November 30, 2016 and the tenant would have to vacate at that time. The rent is \$1325 plus \$25 for storage per month payable in advance on the first day of each month. The tenant paid a security deposit and a pet damage deposit which totals \$1325.

Settlement:

The parties reached a settlement and they asked that I record the settlement pursuant to section 63(2) as follows:

- a. The parties mutually agree to end the tenancy on January 31, 2017.
- b. The parties request the arbitrator to issue an Order of Possession for January 31, 2017.
- c. The tenant shall pay to the landlord the sum of \$2700 being the rent for December 2016 and January 2017.
- d. The landlord waives the claim for the cost of the filing fee.
- e. The parties shall exchange documents to determine whether the rent for June 2016 has been paid and if the parties are unable to agree the landlord retains the right to file an Application for Dispute Resolution making this claim.

Analysis - Order of Possession:

As a result of the settlement I granted the landlord an Order for Possession effective January 31, 2017.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of December and January. I ordered that the tenant pay to the landlord the sum of \$2700.

The tenant's application is dismissed. The landlord's application to recover the cost of the filing fee is dismissed.

Conclusion:

I granted an Order of Possession effective January 31, 2017. I ordered that the Tenant(s) pay to the Landlord(s) the sum of \$2700. All other claims are dismissed.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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 10, 2017

Residential Tenancy Branch