



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OPR MNR FF MT CNR MNDC MNSD OLC ERP RP PSF

### Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession and a monetary order for unpaid rent. The tenant applied to cancel a notice to end tenancy, as well as for monetary compensation and other orders.

### Preliminary Issues

#### *Partial Settlement*

The tenant stated that she would be moved out of the rental unit by January 20, 2017. The landlord and the tenant agreed that the landlord would receive an order of possession effective January 20, 2017. I therefore granted the landlord an order of possession for that date.

#### *Tenant's Application*

I heard evidence regarding the landlord's claim for unpaid rent, but I did not deal with the remainder of the tenant's application, which I will address in the conclusion of my decision.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation for unpaid rent?

### Background and Evidence

The tenancy began on May 1, 2015, with monthly rent of \$1,600.00 due in advance on the first day of each month. At the beginning of the tenancy the tenant paid the landlord a security deposit of \$800.00 and a pet deposit of \$400.00.

The tenant acknowledged that she did not pay the rent for December 2016 or January 2017.

### Analysis

The landlord is entitled to \$1,600.00 for December 2016 unpaid rent. The landlord is also entitled to prorated rent of \$1,032.25 for January 1 to 20, 2017.

As the landlord's application is partly successful, he is entitled to recovery of his \$100.00 filing fee.

As the matter of the notice to end tenancy was settled, I decline to award the tenant recovery of her filing fee.

### Conclusion

I grant the landlord an order of possession effective January 20, 2017. If the landlord serves the tenant with the order of possession and the tenant fails 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.

The landlord is entitled to monetary compensation of \$2,732.25. I order the landlord to retain the security and pet deposits of \$1,200.00 in partial compensation of this amount and I grant the landlord a monetary order for the balance of \$1,532.25. The landlord may reapply for the balance of January 2017 rent as well as apply for other monetary compensation.

As the tenancy is ending, I dismiss the portions of the tenant's application regarding orders for repairs and emergency repairs, as well as orders that the landlord comply with the Act and provide services or facilities required by law.

The tenant's \$25,000.00 monetary claim was not sufficiently related to the issue of unpaid rent, and I therefore severed that portion of the tenant's claim. It is dismissed with leave to reapply.

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 19, 2017

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Residential Tenancy Branch