



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarte Realty Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      CNR, OPR-DR, MNR-DR, FFL

### **Introduction**

This hearing dealt with the Tenant's January 25, 2023 Application for Dispute Resolution filed under the *Residential Tenancy Act* (Act) to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued on January 23, 2023.

The hearing also dealt with the Landlord's February 7, 2023 Application for Dispute Resolution for an Order of Possession, a Monetary Order for Unpaid Rent and reimbursement of the filing fee.

### **Issue(s) to be Decided**

- Does the Notice end the tenancy?
- Does the Tenant owe unpaid rent?
- Is the Landlord entitled to recover the filing fee?

### **Background and Evidence**

The fixed term tenancy started in October 2019 and converted to a periodic tenancy with rent due on the first of the month. Effective February 1, 2023 rent is \$1319.00. Prior to this, rent was \$1294.00 per month. The Landlord holds in trust a \$637.50 security deposit paid by the Tenant on September 25, 2019.

The Landlord issued the Notice on January 23, 2023, indicating the Tenant failed to pay \$3937.00 due on January 1, 2023. The \$3937.00 amount included parking fees in the amount of \$283.00. The Landlord provided company accounting records as evidence of unpaid rent and parking fees up to and including January 2023.

Since issuing the Notice, the Tenant owes \$1319.00 per month for February, March and May 2023. The Landlord reports total unpaid rent of \$7607.00.

The Tenant admits owing rent as reported by the Landlord:

Month	Rent due	Rent paid
August 2022	1294.00	0
September 2022	1294.00	1305.00
October 2022	1294.00	0
November 2022	1294.00	1305.00
December 2022	1294.00	0
January 2023	1294.00	1500.00
February 2023	1319.00	0
March 2023	1319.00	0
April 2023	1319.00	1323.00
May 2023	1319.00	0
Total	13040.00	5433.00
<b>Total Unpaid Rent</b>	<b>7607.00</b>	

### Analysis

- Does the Notice end the tenancy?

As the Tenant stopped paying rent and did not demonstrate a lawful reason to withhold rent, I find the Landlord had reason to give the Notice and it has been properly completed.

I find the Notice has ended the tenancy effective the date of this hearing, May 19, 2023. The Landlord is entitled to an order of possession.

- Does the Tenant owe unpaid rent?

As the tenant's application to cancel the notice is dismissed, the landlord is entitled to a monetary order for unpaid rent. The Tenant admits he did not pay rent. I find the Landlord is entitled to unpaid rent in the amount of \$7607.00.

As the security deposit of \$637.50 has accrued \$4.73 in interest, I order the landlord to retain the deposit of \$642.23 in partial satisfaction of the unpaid rent.

- Is the Landlord entitled to recover the Filing Fee?

As the Landlord was successful with their application, the Landlord is entitled to recover their \$100.00 filing fee from the Tenant.

### Conclusion

The Tenant's application is dismissed.

The Landlord is granted an order of possession effective two days after service. The Landlord should serve the order to the Tenant immediately. Should the Tenant fail to comply, the order may be enforced in the BC Supreme Court.

The Landlord is granted a monetary award of \$7064.77:

<b>Total Unpaid Rent</b>	<b>7607.00</b>
Filing Fee	100.00
Total Owning	7707.00
Minus Security Deposit + Interest	(637.50 + 4.73 = 642.23)
<b>Total Monetary Award</b>	<b>7064.77</b>

The Landlord should serve the order to the Tenant immediately. Should the Tenant fail to pay, the order may be enforced in the Small Claims division of Provincial 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: May 24, 2023

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Residential Tenancy Branch