



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's request for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, loss of rent, retention of the security deposit and recovery of the filing fee. Both the landlord and the female tenant appeared at the hearing and were provided the opportunity to be heard. The landlord named two co-tenants in this application; however, I was satisfied that only the female tenant was served with notification of this hearing and the landlord's application has been amended to reflect the name of the female tenant only.

Issues(s) to be Decided

1. Mutual resolution to this dispute.
2. Monetary Order for unpaid rent.
3. Award of the filing fee.

Background and Evidence

I heard undisputed testimony that the tenancy commenced October 1, 2008 and that the two co-tenants are required to pay rent of \$800.00 on the 1st day of the month. The landlord did not receive rent for July or August 2009 and issued a 10 Day Notice to End Tenancy on August 15, 2009 indicating \$1,600.00 in rent was unpaid. The tenant has made payments of \$600.00, \$1,000.00 and \$500.00 since receiving the Notice and the parties agreed that \$300.00 remains outstanding for September 2009.

The tenant explained that the male co-tenant moved out in June and took the rent money with him. The tenant was not aware the rent was unpaid until she received the 10 Day Notice to End Tenancy.

In recognition of the tenant's efforts to pay the rental arrears, the landlord stated she is willing to continue with the tenancy and no longer requests an Order of Possession. The landlord requested a Monetary Order for the unpaid rent of \$300.00 and recovery of the filing fee paid for this application.



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Analysis

In a co-tenancy situation, each tenant is responsible for ensuring the landlord is paid the rent owing and either tenant may be held liable to pay all of the outstanding rent. I am satisfied that a co-tenancy relationship existed in this case and that the landlord has the right to enforce payment from the tenant before me.

As the parties agreed \$300.00 of rent is outstanding and I have awarded the filing fee to the landlord, the tenant is ordered to pay the landlord \$350.00 forthwith. The landlord is provided a Monetary Order for \$350.00 to ensure compliance with this order. To enforce the Monetary Order the landlord must serve it upon the tenant and may file it in Provincial Court (Small Claims) to enforce as an Order of that court.

As the parties indicated a willingness to continue with this tenancy, an Order of Possession is not provided to the landlord and the tenancy has been reinstated.

Conclusion

The tenancy has been reinstated and an Order of Possession is not provided to the landlord. The tenant must pay the landlord \$350.00 forthwith for rent owed for September 2009 and the filing fee. The landlord is provided a Monetary Order in the amount of \$350.00 to ensure payment of this amount.

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: September 29, 2009.

Dispute Resolution Officer