



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNSD, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order to keep the security deposit; and to recover the filing fee associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to keep all or part of the security deposit?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of an apartment in a multi unit complex. Pursuant to a written agreement, the fixed term tenancy started on October 1st, 2010 and ended December 1st, 2010. The monthly rent of \$900.00 was payable on the thirty first of each month. The tenants paid a security deposit of \$450.00.

The landlord testified that the tenants owe \$620.00 in unpaid rent. Tenant L.A.P. did not dispute the landlord's claim. She described personal setbacks, said that she already made moving arrangements, and that they will be out of the unit by April 21st, 2011.

She stated that the landlord has been very accommodating however she has not been able to pay her arrears. The landlord agreed to allow the tenants sufficient time to move until the end of the month.

Conclusion

Based on the parties' testimony, I find that the landlord is entitled to an Order of Possession and a monetary order as claimed.

I grant the landlord an Order of Possession effective April 30th, 2011. If necessary, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Since the landlord was successful, he is entitled to recover the \$50.00 filing fee for a claim totalling \$670.00. I authorize the landlord to keep the \$450.00 security deposit and pursuant to Section 67 of the Act, I grant the landlord a monetary order for the balance of \$220.00. This Order may be registered in the Small Claims 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: April 07, 2011.

Residential Tenancy Branch