



# 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 ERP RP RR FF

### Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession pursuant to a notice to end tenancy and a monetary order for unpaid rent. The tenant applied to cancel the notice to end tenancy and an extension of time to apply to cancel the notice, as well as for monetary compensation, orders for repairs and emergency repairs and a reduction in rent. Both the landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing the tenant stated that she wished to withdraw her application. I therefore did not hear evidence or make any determinations on the tenant's application. The tenant's application is withdrawn.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order?

### Background and Evidence

The tenancy began in 2008 or 2009. Rent in the amount of \$1000 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of October 2010. On September 14, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of October 2011. The tenant acknowledged that she owed rent for October 2010 and that she did not pay rent for October 2011.

The tenant stated that she is in the process of moving out of the rental unit.

### Analysis

Based on the evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and has not paid the outstanding rent. I find that the notice to end tenancy is valid, and the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$2000 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$50 filing fee for the cost of his application.

### Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail 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.

I grant the landlord an order under section 67 for the balance due of \$2050. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I note that the landlord continues to hold the tenant's security deposit in trust and he must deal with it in accordance with the Act.

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: October 28, 2011.

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Residential Tenancy Branch