



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began November 1, 2011 with monthly rent of \$800.00 and the tenants paid a security deposit of \$437.50.

On April 5, 2012 the landlord served the tenants a 10 Day Notice to End Tenancy for Unpaid Rent; the tenants have not filed to dispute this notice.

The landlord testified that the tenant made a \$700.00 cash payment of May 9, 2012 and currently owes the landlord \$235.00. The landlord stated that as the tenant has made an effort to pay all of the outstanding rent the landlord in this application will no longer be seeking an order of possession for the rental unit. The landlord stated that they will be seeking a monetary order for the outstanding balance of \$235.00.

The tenant testified that that they have been in this tenancy for 3 years and until recently have never had any problems paying the rent. The tenant stated that his wife had recently become very ill, he currently has 2 broken ribs and both of these issues have impacted their financial situation.

Analysis

Based on the documentary evidence and testimony of the parties I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The landlord at this time is not seeking to enforce the order of possession however the landlord is seeking a monetary order for the outstanding rent and late fees. Based on the above facts I find that the landlord is entitled to a monetary order for unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$235.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$235.00 in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$285.00**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: May 10, 2012

Residential Tenancy Branch