



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Action Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord's representative and the tenant called in and participated in the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order for possession pursuant to a 10 day Notice to End Tenancy for unpaid rent?

Is the landlord entitled to a monetary award and if so, in what amount.

Is the landlord entitled retain all or part of the security deposit?

Background and Evidence

The rental unit is a house in Fort St. John. The tenancy began in September, 2011. The current monthly rent is \$1,731.00, payable on the first of each month. The tenants paid a security deposit of \$800.00 at the start of the tenancy.

The tenant failed to pay the rent for November when it was due and the landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent.

At the hearing the landlord's representative testified that since the application for dispute resolution was filed, the tenant has paid the outstanding rent, including rent for December. The landlord was prepared to allow the tenancy to continue, however the tenant said that he intends to move out of the rental unit. He said that he is moving to assume new employment elsewhere.

Analysis

The landlord and the tenant agreed at the hearing that the tenancy will end on January 31, 2015 and the tenant will pay January rent and move by January 31, 2015. Pursuant to the agreement of the parties, the landlord is granted an order for possession effective January 31, 2015. The landlord is entitled to recover the \$50.00 filing fee for this application.

Conclusion

I grant the landlord an order for possession effective January 31, 2015 after service on the tenant. This order may be registered in the Supreme Court and enforced as an order of that court. The landlord is entitled to recover the \$50.00 filing fee for this application and I order that the landlord retain the sum of \$50.00 from the security deposit that it holds, leaving the balance of the deposit in the amount of \$750.00 to be dealt with at the end of the tenancy in accordance with the *Residential Tenancy 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: December 29, 2014

Residential Tenancy Branch

