



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

This matter dealt with an application by the landlord for an order of possession and a monetary order related to unpaid rent. The landlord's agent appeared at the hearing which was held via teleconference, but there was no appearance by the tenants.

The landlord has provided documentary evidence by way of Canada Post tracing documents that show that documents were sent to the tenants on September 20, 2008. The tenants are deemed to have received the documents on the fifth day after they were mailed, regardless of whether they accept the registered mail delivery. I find that the tenants have been duly served as required.

Issue(s) to be Decided

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

Background and Evidence

The landlord submitted evidence that the tenancy commenced on May 1, 2007 at a monthly rent of \$850.00. The landlord also took a security deposit in the amount of \$425.00 as the start of the tenancy.

The landlord's evidence is that the tenant did not pay the rent for the month of September 2008 and on September 3, 2008 the landlord issued a 10 day notice to end tenancy for unpaid rent. The tenant has also failed to pay the rent for October 2008.

The tenant had a period of five days after receipt of the notice to end tenancy to file an application to dispute the notice. There is no evidence before me that the tenant has made such an application and it is therefore deemed that the tenant has accepted that the tenancy will end on the effective date of the notice, namely September 13, 2008. The tenant continues to occupy the rental unit and the landlord seeks an order of possession.

The landlord's evidence is that the tenant owes the amount of \$850.00 rent for October and late fees of \$25.00 for each of September and October. The landlord also seeks to recover the \$50.00 filing fee for the cost of this application.

Analysis

I find based upon the evidence before me that the landlord is entitled to an immediate order of possession.

I find that the landlord has established a case for a monetary order for unpaid rent and late fees as well as for the filing fee. I note that the tenancy agreement submitted by the landlord allows for a late fee of \$20.00 and as such I reduce the landlord's \$25.00 claims to \$20.00 to comply with the tenancy agreement.

Conclusion

I grant the landlord an immediate order of possession. The order must be served upon the tenants and is effective two days after service. This order may be filed with and enforced as an order of the Supreme Court of British Columbia.

I find that the landlord has established a claim in the amount of \$920.00. The landlord may retain the security deposit plus interest in the amount of \$459.92 and I grant the landlord a monetary order for the balance of \$460.08. This order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: October 16, 2008