



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing dealt with the landlord's application for an order of possession, a monetary order and recovery of the filing fee. The landlord's agent participated and gave affirmed testimony. Despite being personally served with the application for dispute resolution and notice of hearing on November 18, 2008, the tenants did not participate.

At the outset of the hearing the landlord's agent stated that subsequent to the application for dispute resolution, the tenants paid all rent due for November 2008, as well as partial payment of rent due for December 2008. The landlord's agent confirmed the landlord's desire still to obtain an order of possession, but withdrew the application for retention of the security deposit in partial satisfaction of the claim.

Issues to be Decided

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to a monetary order under the *Act*

Background and Evidence

The tenancy began on February 1, 2008 with rent in the amount of \$650.00 payable in advance on the first day of each month. On January 23, 2008 the landlord collected a security deposit from the tenants in the amount of \$325.00. The tenants failed to pay rent in the month of November 2008 and the landlord served them with a 10 day notice to end tenancy. The landlord submitted into evidence a copy of the 10 day notice dated November 2, 2008 which was served by posting on the tenants' door that same day.

Following this, the tenants paid the full rent for November 2008 and a fee for late payment. The tenants also made partial payment of rent for December 2008 in the amount of \$600.00. The balance of rent outstanding for December is currently \$350.00.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent, and that they were served with the application for dispute resolution and notice of hearing. While full rent was paid late for the month of November 2008, only partial payment of rent has been made for the month of December 2008. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find the landlord has established a claim for \$375.00, comprised of the balance of rent outstanding for December 2008 (\$350.00), and a fee for late payment of rent (\$25.00) pursuant to the residential tenancy agreement. The landlord is also entitled to recovery of the \$50.00 filing fee. I therefore grant the landlord a monetary order under section 67 of the *Act* for \$425.00.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants 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 hereby grant the landlord a monetary order under section 67 of the *Act* for \$425.00. This order must be served on the tenants and may be filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 5, 2008

Dispute Resolution Officer

