



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an order possession based on a Notice to End Tenancy for non-payment of rent, and originally was a request for a monetary order for \$2531.00 however at the hearing landlord reduced that amount to \$843.00. The landlord is also requesting that the respondent bear the \$50.00 cost of the filing fee

Background and Evidence

On July 2, 2010 the tenant was served with in Notice to End Tenancy for non-payment of rent. The landlord testified that:

- At this time the tenant still owes \$823.00 for September 2010 rent.
- The tenant also owes a late fee for September rent in amount of \$20.00.
- They are willing to allow the tenants to stay in the rental unit if this full amount is paid within 48 hours; however they still want an Order of Possession and a monetary order issued in case the tenant fails to pay the outstanding rent.



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The applicant is therefore requesting an Order of Possession for as soon as possible, and a monetary order for the full outstanding amount of \$843.00 plus the \$50.00 filing fee for a total of \$893.00.

The tenant testified that:

- He does owe the full amount claimed by the landlord however he believes he can pay the full amount within the 48 hours requested.
- He does not dispute the landlords request for an order possession or a monetary order.

Analysis

The landlord has shown that there is rent outstanding totalling \$823.00, and that the tenant owes a late fee of \$20.00 and since the tenant stated that he does not dispute the landlord's requests I will issue an Order of Possession and a Monetary Order.

I make no order regarding the security deposit at this time however, because the landlord has stated that if the rent is paid within 48 hours the tenancy will continue, and therefore the security deposit would remain in place.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent, and have issued a monetary order for \$893.00.

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: September 08, 2010.

Dispute Resolution Officer