

## **DECISION**

Dispute Codes      OPC, MNR, MNSD, FF

### Introduction

This is an application by the Landlord for an order of possession resulting from a 1 month notice to end tenancy for cause, a request for a monetary order for unpaid rent, to keep the security deposit and the recovery of the filing fee from the Tenant. Both parties attended the hearing by conference call and gave affirmed testimony.

### Issues(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

### Background and Evidence

This tenancy began on February 1, 2007 and the monthly rent of \$1,285.00 is payable on the 1<sup>st</sup> of each month. A security deposit of \$600.00 was paid in March of 2005. The Landlord served the 1 month notice to end tenancy on October 15, 2010 in person by giving it to the Tenant's son at the rental unit. The Landlord also states that the hearing documents were served in person on November 18, 2010. The Tenant does not dispute any facts of the service.

The Landlord has submitted a payment of rent history showing that the rent was paid late every month from July to October, 2010 and paid the November rent at the beginning of December. The Landlord states that the Tenant is currently in arrears of \$1,095.00 and is still owed the December rent of \$1,280.00. The Tenant does not dispute any of these facts, but states that she was recently laid off and has only just started working again. She is trying to repay the rent arrears.

### Analysis

I am satisfied that the Tenant was properly served with the notice to end tenancy as well as the hearing documents. The Tenant has not disputed the Landlord's service. I find that the Landlord has established cause for repeated late rent payments. The Landlord is entitled to an order of possession. The Tenant must be served with the order of possession. Should the Tenant 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.

As for the monetary order, I find that the Landlord has established a claim for \$2,430.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$600.00 security deposit and \$21.24 in interest which has accrued to the date of this judgement in partial satisfaction of the claim. I note that an exact date was not given for when the security deposit was made and March 1, 2005 was used as tenancies are typically started on the 1<sup>st</sup> of the month. I grant the Landlord an order under section 67 for the balance due of \$1,858.76. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Landlord is granted an order of possession and a monetary order for \$1,858.76. The Landlord may retain the security deposit.

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 07, 2010.

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Dispute Resolution Officer