



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order for unpaid rent, for money owed or compensation for loss under the Act, and to recover the filing fee.

Although served with the Application for Dispute Resolution and Notice of Hearing on December 17, 2010, the Tenant did not appear.

The Landlord's Agent appeared, gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and make submissions to me.

Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

Background and Evidence

Based on the affirmed testimony of the Landlord's Agent, I find that the Tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") on December 2, 2010 by posting on the door. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

The Tenant did not apply to dispute the Notice.

At the outset of the hearing, the Landlord testified that the Tenant did not pay the full amount of rent due within 5 days of the Notice, but did make full payment on December 23. Further the Agent testified that as of January 2, 2011, the Tenant owed the amount of \$1,012.00 for the January rent, late fee and the filing fee; however the Tenant paid this amount due on January 10, 2011, two days before the hearing.



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The Landlord's Agent testified that the Landlord was no longer seeking an Order of Possession, but is requesting a monetary order for \$1,012.00 in the event the Tenant's cheque not clear the bank.

Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

The Landlord is no longer seeking to end the tenancy.

I find that the Landlord has established a total monetary claim of **\$1,012.00** comprised of \$942.00 in unpaid rent for January, \$20.00 late fee and the \$50.00 fee paid by the Landlord for this application.

I grant the Landlord an order under section 67 of the Act for **\$1,012.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The Landlord is granted a monetary order for **\$1,012.00**.

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: January 12, 2011.

Residential Tenancy Branch