



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent, late fees and the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent, late fees and the filing fee?

### **Background and Evidence**

The tenancy started on November 01, 2010. The monthly rent is \$725.00 due in advance on the first of each month. The landlord filed a copy of the tenancy agreement which contains a clause regarding late fees. The tenant is required to pay a late fee of \$25.00 for rent received by the landlord after the first of each month.

The tenant owed a late fee of \$25.00 for January 2011 and also failed to pay rent for February and March 2011. On March 07, 2011, the landlord served the tenant with a ten day notice to end tenancy. The tenant agreed that she owed a late fee for January plus rent and late fees for February, March and April for a total of \$2,275.00.

The landlord is applying for an order of possession effective immediately and a monetary order in the amount of \$2,275.00 for unpaid rent and late fees plus \$50.00 for the filing fee.

### **Analysis**

Based on the sworn testimony of the both parties, I accept the landlord's evidence in respect of the claim.

The tenant received the notice to end tenancy for unpaid rent, on March 07, 2011 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to a total of \$2,325.00 for unpaid rent, late fees and the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order for **\$2,325.00**.

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: April 26, 2011.

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Residential Tenancy Branch