

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession resulting from a 10 day notice to end tenancy for unpaid rent, a monetary order request for unpaid rent, money owed for parking and late rent fees under the tenancy agreement and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

Issue(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 June 16, 2010 on a fixed term tenancy until December 31, 2010 and then thereafter on a month to month basis. The monthly rent is \$870.00 payable on the 1st of each month as shown in the signed tenancy agreement. The agreement shows a monthly parking fee of \$45.00 per month and that if rent is late that a \$20.00 fee is chargeable to the Tenant.

The Landlord states that the Tenant failed to pay rent on June 1, 2011 as shown in the submitted copy of the 10 day notice to end tenancy for unpaid rent. The Landlord's notice shows that it was completed on June 10, 2011 with a move out date of June 20, 2011 with rent owing of \$870.00 that was due on June 1, 2011. The Tenant confirms not paying the June rent or filing an application for dispute resulting in the 10 day notice. The Landlord claims that the Tenant has failed to pay the rent for July 2011 as well, up to the date of this hearing. The Tenant has confirmed in direct testimony not paying the July rent. The Landlord is claiming the costs of June and July monthly parking fees totalling \$90.00 (\$45.00 for each month). The Tenant has confirmed the parking fees being unpaid. The Landlord is also claiming the \$20.00 late rent fee for each of the two months totalling \$40.00 (\$20.00 for each month).

Analysis

As both parties have attended the hearing and the Tenant has confirmed receiving the Landlord's notice of hearing and evidence package, I am satisfied that both parties have been properly served with all documents. The Tenant has not filed any evidence.

Based upon the undisputed testimony of the Landlord and the submitted evidence, I am satisfied that the Landlord has established a claim for unpaid rent for June and July of 2011 totalling, \$1,740.00. The Landlord has established a claim for late rent fees totalling \$40.00 for two months. The Landlord has also established a claim for the \$90.00 for two months of parking fees. The Landlord is entitled to a total monetary claim of \$1,870.00.

The Landlord is entitled to an order of possession based upon the undisputed testimony and service of the 10 day notice to end tenancy for unpaid rent. 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.

The Landlord is also entitled to the recovery of the \$50.00 filing fee. The Landlord is granted a monetary order under section 67 for the balance due of \$1,920.00. 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 \$1,920.00.

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: July 26, 2011.

Residential Tenancy Branch