



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, money owed or compensation for damage or loss and recovery of the filing fee. Both parties participated in the conference call hearing.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This tenancy began January 1, 2009 with monthly rent of \$830.00 and the tenants paid a security deposit of \$415.00 and a pet damage deposit of \$200.00. On June 2, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant made an \$800.00 rent payment on July 17, 2011 leaving a balance of \$750.00 owing to the landlord for unpaid rent and late fees for July 2011. The landlord stated that the tenant was provided with a receipt stating *'for use and occupancy only'* for the July 17 payment.

As the tenant still occupies the rental unit and rent remains unpaid the landlord is requesting an order of possession effective 2 days after service upon the tenant. With the tenant having made a \$800.00 rent payment, the landlord is now seeking a monetary order for the balance due of \$750.00.

The tenant verified the landlord's testimony regarding the \$800.00 payment and receipt and understood that the landlord was seeking an order of possession for the rental unit.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent and late fees.

I find that the landlord has established a claim for \$750.00 in unpaid rent and late fees.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$750.00 in unpaid rent and late fees. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$800.00**.

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 18, 2011.

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Residential Tenancy Branch