



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent as well as to recover the filing fee for this proceeding.

Issue(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?

Background and Evidence

This tenancy started in April 2005. Rent is \$355.75 per month payable in advance on the 1st day of each month. The Landlord's agent said the Tenants did not pay rent for July 2011 when it was due and as a result on July 7, 2011 she sent the Tenants a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 7, 2011 by registered mail. The Landlord said the Tenants made a payment of \$355.75 on August 3, 2011 which was applied to rent for August 2011 and therefore their rent for July 2011 remains unpaid.

The Tenants admitted that their pre-authorized payment for July 2011 did not go through however they claimed that this was due to an unexpected number of bank charges being deducted from their account first. The Tenants argued that there would be no problem with their rent payments if they could arrange a different payment method with the Landlord. The Landlord's agent claimed that the Tenants were well aware that their July 2011 payment did not go through their account yet they failed to contact her to make alternate payment arrangements. The Tenants claimed they were unaware until today as to whom they should contact about rent payments.

Analysis

During the hearing the Landlord's agent agreed to withdraw her application for an Order of Possession. Given that the Parties agree that there is currently unpaid rent of \$355.75, I find that the Landlord is entitled to recover that amount together with the \$50.00 filing fee she paid for this proceeding.

Conclusion

The Landlord's application for an Order of Possession is withdrawn. A Monetary Order in the amount of **\$405.75** has been issued to the Landlord and a copy of it must be served on the Tenants. If the amount is not paid, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: August 29, 2011.

Residential Tenancy Branch