



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

Both parties attended the hearing and were given full opportunity to present all relevant evidence and testimony in respect to this claim and to make prior submission to the hearing and fully participate in the conference call hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenant testified he is still residing in the rental unit. Rent in this tenancy, in the amount of \$625 is payable in advance on the first day of each month. The tenant does not dispute they failed to pay rent in the month of September 2011, and on September 06, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of October 2011. The quantum of the landlord's monetary claim is for the unpaid rent of \$1250. The landlord further claims \$50 in late fees. The landlord submitted evidence of the 10 Day Notice for Unpaid Rent.

Analysis

Based on the testimony of both parties, I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied 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**.

I also find that the landlord has established a monetary claim for **\$1250** in unpaid rent. The landlord has not provided evidence that the tenant is required to pay a late fee for late payment of rent. This portion of the landlord's claim is, therefore, **dismissed**, without leave to reapply. The landlord is entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$1300**.

Conclusion

I grant an Order of Possession to the landlord **effective 2 days from the day it is served**. The tenant must be served with this **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.

I grant the landlord a Monetary Order under Section 67 of the Act for the amount of **\$1300**. If necessary, this order may be filed in the Small Claims Court 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 *Residential Tenancy Act*.

Dated: October 24, 2011

Residential Tenancy Branch