



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite in-person service of the application for dispute resolution and notice of hearing on April 24, 2012, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the original term of tenancy was from May 1 to October 31, 2010. Thereafter, tenancy has continued on a month-to-month basis. A security deposit of \$347.50 was collected. Monthly rent of \$710.00 and a fee of \$10.00 for parking are both due and payable on the first day of each month. The tenancy agreement also provides that a \$20.00 fee will be assessed for late payment of rent.

Arising from rent and parking which were not paid when due on April 1, 2012, the landlord issued a 10 day notice for unpaid rent dated April 2, 2012. The notice was served by way of posting on the tenant's door on that same date. Subsequently, on April 24, 2012 the tenant made full payment of April's rent (\$710.00), April's parking (\$10.00) in addition to the fee for late payment of rent (\$20.00).

However, payment of rent and parking for May was not made when due on May 1, 2012. Specifically, the tenant made a limited payment of \$560.00 on May 5, 2012. The landlord seeks the balance of compensation still owed in the amount of \$230.00, which is comprised as follows:

\$150.00: balance of rent for May (\$710.00 - \$560.00)
\$10.00: parking for May
\$20.00: fee assessed for late payment of rent
\$50.00: filing fee

The landlord also seeks an order of possession to be served in the event that the tenant fails to deliver on a promise to pay the compensation, as above, by May 18, 2012.

Analysis

Based on the documentary evidence and affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated April 2, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. Accordingly, I find that the landlord has established entitlement to an order of possession.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$230.00 as set out above, and I therefore grant the landlord a monetary order under section 67 of the Act for that amount.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$230.00. Should it be necessary, this order may be served on the tenant, 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: May 10, 2012.

Residential Tenancy Branch