



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF / CNR

Introduction

This hearing concerns 2 applications: i) by the landlord 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 / retention of the security deposit / and recovery of the filing fee; ii) by the tenant for cancellation of the notice to end tenancy.

Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement, the year-long term of tenancy began on January 1, 2012. Monthly rent of \$550.00 is due and payable in advance on the first day of each month, and a security deposit of \$275.00 was collected. The tenancy agreement provides that a fee of \$25.00 is assessed for late payment of rent.

Arising from rent which was unpaid when due on May 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 2, 2012. The notice was served in-person on the tenant on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenant has made no further payment toward rent and continues to reside in the unit.

Analysis

Based on the documentary evidence and testimony, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 2, 2012. While the tenant filed an application on May 4, 2012 to dispute the notice, the tenant did not pay

the outstanding rent within 5 days of receiving the notice. In the result, 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 \$625.00. This is comprised of unpaid rent for May of \$550.00, a \$25.00 fee arising from late payment of May's rent, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$275.00, and I grant the landlord a monetary order for the balance owed of \$350.00 (\$625.00 - \$275.00).

Conclusion

The tenant's application is hereby dismissed.

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service of this order 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 \$350.00. 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 28, 2012.

Residential Tenancy Branch