



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 is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenant.

The parties gave affirmed testimony at the Hearing.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The rental unit is an apartment in an apartment building owned by the Landlord. The Tenant has been living in the apartment building as a tenant since 1997, having lived on the third floor until August, 2011, when she moved into the rental unit.

A copy of the rental agreement and a tenant ledger were provided in evidence.

A portion of the Tenant's rent is paid directly to the Landlord from a third party. The Tenant has not paid the remaining portion of the rent since March 1, 2012. The Landlord's agent served the Tenant with a Notice to End Tenancy for Unpaid Rent on May 2, 2012, a copy of which was provided in evidence. The Tenant has not disputed the Notice to End Tenancy.

The Tenant stated that she wished to try to negotiate a schedule for paying the outstanding rent, or for a later move-out day.

The Landlord did not make an application against the security deposit at this time.

Analysis

Based on the testimony of both parties, I accept that the Landlord served the Tenant with the Notice to End Tenancy on May 2, 2012. The Tenant did not pay the

outstanding rent, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on May 26, 2012. The Landlord is entitled to an Order of Possession and I make that Order effective **2 days after service of the Order upon the Tenant.**

Based on the testimony of both parties, the Landlord's agent has established a monetary claim for unpaid rent and late fees, calculated as follows:

DATE	AMOUNT DUE	AMOUNT PAID	BALANCE OWING
January 3, 2012			(\$194.37)
February 1, 2012 rent	\$750.00	\$265.00	\$290.63
February 3, 2012		\$194.97	\$95.84
March 1, 2012 rent	\$750.00	\$194.44	\$651.40
March 2, 2012 late fee	\$20.00		\$671.40
April 1, 2012 rent	\$750.00		\$1,421.40
April 3, 2012 late fee	\$20.00		\$1,441.40
April 3, 2012		\$194.44	\$1,246.96
May 1, 2012 rent	\$750.00		\$1,996.96
May 2, 2012		\$194.44	\$1,802.52
May 3, 2012 late fee	\$20.00		\$1,822.52
June 1, 2012 rent	\$750.00		\$2,572.52
June, 2012		\$194.44	\$2,378.08
June late fee	\$20.00		\$2,398.08

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

The security deposit remains available on application by either party, to be administered in accordance with the provisions of the Act.

Conclusion

I hereby provide the Landlord an Order of Possession effective **2 days after service of the Order upon the Tenant.** This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby provide the Landlord a Monetary Order in the amount of **\$2,448.08** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: June 14, 2012.

Residential Tenancy Branch