

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Tenant has not submitted any documentary evidence. The Landlord states that the Tenant was personally served with the notice of hearing and evidence package on July 21, 2012. Based upon the above, I find that the Tenant was properly served with the notice of hearing and evidence.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

This Tenancy began on April 1, 2012 on a fixed term tenancy until March 31, 2013 as shown by the submitted signed tenancy agreement. The monthly rent is \$850.00 payable on the 1st of each month and a security deposit of \$425.00 was paid.

The Landlord states that the Tenant was served with the 10 day notice to end tenancy for unpaid rent on July 5, 2012 by posting it on the rental unit door. The Landlord has provided a copy of a proof of service that was witnessed. The notice shows that rent of \$420.00 was unpaid that was due July 1, 2012. The effective date of the notice is July 5, 2012.

The Landlord stated in her direct testimony that as of the date of this hearing, the Landlord is only seeking the outstanding rent for July 2012 of \$420.00, consisting of \$400.00 in July rent arrears and \$20.00 for a late rent fee for July 2012. The Landlord stated that the Tenant made a partial rent payment of \$375.00 on July 18, 2012 where the Landlord accepted the payment.

Based upon the undisputed evidence provided, the Landlord has established a claim for an order of possession. The Landlord is granted an order of possession. The Tenant must be served the 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 find based upon the Landlord's direct testimony that a claim for \$45.00 has been established. The Landlord is also entitled to the recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$95.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$95.00.

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: August 14, 2012.

Residential Tenancy Branch