

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.

Both parties attended the hearing by conference call and gave testimony. The Tenant did not submit any documentary evidence. As both parties have attended the hearing and have provided testimony for the hearing, I am satisfied that both parties have been properly served.

At the beginning of the hearing the Landlord states that an order of possession is no longer required and is withdrawing this portion of the application. The Landlord also states that the monetary claim is amended from \$2,102.50 to \$222.40.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

This Tenancy began on April 1, 2012 on a fixed term until September 30, 2012 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$825.00 payable on the 1st of each month and a security deposit of \$412.50 and a pet damage deposit of \$200.00 was paid.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 2, 2012 by posting it on the rental unit door on the same date. The notice states that unpaid rent of \$422.00 was due on July 1, 2012. The effective date of the notice is shown as July 13, 2012.

The Landlord seeks a monetary claim of \$222.40, consisting of \$9.50 remaining on a late rent fee for July and \$212.90 for over-holding the rental unit until August 8, 2012 (prorated for 8 days, \$825.00 divided by 31 days = \$26.61 per day X 8 = \$212.90). The Tenant has made no comment on this claim.

I find based upon the undisputed testimony and the documentary evidence submitted by the Landlord that a monetary claim has been established for \$222.40. The Landlord is also entitled to the recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$272.40. 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 a monetary order for \$272.40.

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 15, 2012.

Residential Tenancy Branch