



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on August 17, 2012, however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for an Order of Possession based on Notice to End Tenancy for nonpayment of rent, a request for a monetary order for outstanding rent and late fees, and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- This tenancy began on January 1, 2011 and a monthly rent of \$850.00.

- The tenant failed to pay the August 2012 rent, and therefore on August 2, 2012 a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date, the tenant has failed to comply with that notice, and has failed to pay any further rent, and therefore now the full September 2012 rent is also outstanding.

The applicant is therefore requesting an Order of Possession for as soon as possible and a monetary order as follows:

August 2012 rent outstanding	\$850.00
September 2012 rent outstanding	\$850.00
August 2012 late fee	\$25.00
September 2012 late fee	\$25.00
Filing fee	\$50.00
Total	\$1800.00

### Analysis

It is my finding that the landlord has shown that the tenant has failed to pay the rent of \$850.00 for the months of August 2012 and September 2012 for a total of \$1700.00. I therefore allow the landlords request for an order for that outstanding rent.

It is also my finding that the tenancy agreement states that there will be a \$25.00 late fee if rent is paid late and therefore I also allow the claim for the late fees, totaling \$50.00.

It is also my finding that the tenant has been served with a valid Notice to End Tenancy and has failed to comply with that notice, and therefore I allow the request for an Order of Possession.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant.

I have allowed the full monetary claim of \$1800.00 and I therefore order that the landlord may retain the full security deposit of \$425.00, and I have issued a monetary order in the amount of \$1375.00.

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: September 18, 2012.

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Residential Tenancy Branch