

## **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. Both parties have submitted documentary evidence and have confirmed receipt of from the other party. As both parties have attended and have confirmed receipt of the evidence submitted, I am satisfied that both have been properly served with the notice of hearing and evidence submitted.

### 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 August 1, 2010 on a fixed term tenancy until January 31, 2011 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. Both parties agreed that the monthly rent was \$710.00, monthly parking is \$10.00 and that a security deposit of \$347.50 was paid on July 30, 2010.

Both parties agreed that the Tenant is currently in arrears for \$760.00 which consists of \$710.00 in rent (September), a \$20.00 late rent fee (September), a \$10.00 parking fee (September) and a late rent fee of \$20.00 (August). The Tenant has confirmed the Landlord's claims.

Based upon the undisputed testimony of both parties, I find that the Landlord is entitled to the \$760.00 claim. The Tenant was served with a 10 day notice to end tenancy dated August 2, 2012 by posting in the rental unit door. The Tenant did not pay the rent on time within the allowed 5 days and did not apply for dispute resolution to dispute the notice. Both parties agreed that the Tenant paid the rent late on August 24, 2012 based

upon the Tenant's evidence of a receipt issued to him from the Landlord for use and occupancy only for August rent. The Landlord is granted an order of possession. The Tenant must be served with 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.

The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for \$810.00. 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 \$810.00.

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 25, 2012.

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Residential Tenancy Branch