



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNR, OPR

### Introduction

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

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for an order of possession based on a Notice to End Tenancy for nonpayment of rent, a request for a monetary order, and a request for recovery of the filing fee.

### Background and Evidence

The applicant testified that:

- The tenants failed to pay the October 2012 rent, and therefore on October 2, 2012 the tenants were served with a 10 day Notice to End Tenancy for nonpayment of rent.
- The tenants have failed to comply with that notice and have only paid \$380.00 towards the October 2012 rent.
- The tenants also have outstanding utilities totaling \$207.00.

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

Rent outstanding for October 2012	\$570.00
Rent outstanding for November 2012	\$950.00
Utilities outstanding	\$207.00
Late fees 5 X \$50.00	\$250.00
NSF fee 1 X \$50.00	\$50.00
Filing fee	\$50.00
Total	\$2077.00

The tenant testified that:

- She does not dispute any of this claim, except for the fact that originally the landlord had not deducted the \$380.00 she had paid towards October 2012 rent from the claim.

### Analysis

Since the tenant has stated that she does not dispute this claim I have allowed the full amount claimed less \$150.00, because the Residential Tenancy Act only allows landlords to charge late fees, and NSF fees of \$25.00, and not be \$50.00 claimed by the landlord.

### Conclusion

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

I have issued a Monetary Order in the amount of \$1927.00.

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: November 15, 2012.

---

Residential Tenancy Branch