



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on January 1, 2011. Currently, the monthly rent is \$843.00, and it is due and payable in advance on the first day of each month.

Arising from rent which remained overdue on October 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 29, 2012. The notice was posted on the tenant's door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenant has made installment payments toward rent, and she continues to reside in the unit. The landlord has issued receipts for the partial rent payments which bear the notation "use & occupancy only."

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guideline, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated October 29, 2012. The tenant did not pay the full amount of rent outstanding within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively

presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

The landlord takes the position that rent and all fees assessed for late payment of rent are now paid in full to January 31, 2013. Accordingly, the landlord seeks compensation limited to the amount of the filing fee. Pursuant to section 60 of the Act I therefore grant the landlord a **monetary order** in the amount of **\$50.00**.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Tuesday, April 30, 2013**. This order must be served on the tenant. 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.

Pursuant to section 60 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$50.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: January 29, 2013

Residential Tenancy Branch

