



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

Some written arguments have 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 personal service on January 23, 2013; 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 and a request for a Monetary Order for \$740.00.

Background and Evidence

The applicant testified that:

- This tenancy began on September 15, 2012 with a monthly rent of \$720.00.
- The tenant failed to pay the January 2013 rent and therefore on January 16, 2013 a 10 day Notice to End Tenancy was personally served to the tenant.

- The tenant has failed to comply with the notice; however the tenant did pay the full January 2013 rent near the end of January 2013.
- The tenant however has failed to pay any rent now for the month of February 2013.

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

January 2013 late rent fee	\$20.00
February 2013 rent outstanding	\$720.00
February 2013 late rent fee	\$20.00
Total	\$760.00

Analysis

The applicant has failed to provide a copy of the Notice to End Tenancy that he claims to have served on the tenant on January 16, 2013, and therefore I am unable to determine whether the notice was a legal valid Notice to End Tenancy.

I therefore will not grant the requested Order of Possession.

I also deny the landlord's request for late fees, as the landlord has provided no copy of the tenancy agreement, and therefore I have no way of confirming whether or not late fees are allowed under the tenancy agreement.

I will allow the request for the outstanding rent for the month of February 2013 as I accept the landlord's testimony that this rent has not been paid.

Conclusion

The application for an Order of Possession is dismissed without leave to reapply.

I have issued a Monetary Order for the February 2013 rent in the amount of \$720.00.

The landlords claim for late fees is dismissed without leave to reapply.

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: February 14, 2013

Residential Tenancy Branch

