



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of mail which the tenant acknowledges receiving on February 6, 2013.

I accept the landlord's evidence that the tenant was properly served with the Application for Dispute Resolution including the Notice of Hearing and the landlord's evidence by way of registered mail sent February 27, 2013.

Both parties appeared and were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession. Whether the landlord is entitled to monetary order for unpaid rent, a late payment fee and recovery of the filing fee.

Background and Findings

Order of Possession

Based on the undisputed evidence of the landlord I find that the landlord is entitled to an Order for Possession. While the tenant did pay the rent owing for February 2012 after service of the Notice to End Tenancy she did not pay that rent within the 5 days allowed under the Act and the payment was accepted for use and occupancy only. Having not paid the rent within the 5 days allowed this tenancy ended on the effective date set out on the Notice to End Tenancy, in this case February 15, 2013. The landlord is therefore entitled to an Order of Possession and one will be issued effective 2 days after service upon the tenant.

Monetary Order

Rental Arrears

As the rental arrears have now been paid this portion of the claim is dismissed.

The landlord has also claimed a \$40.00 late rental payment fee. As this fee exceeds the amount of \$25.00 set out in the Act for late payment fees this claim is dismissed.

Filing Fees

As the landlord has been successful in this application I find that the landlord is entitled to recover the filing fees paid for this application. The landlord may deduct \$50.00 from the security deposit to recover this sum.

Conclusion

The landlord is provided with a formal copy of an order of possession. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

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: March 21, 2013

Residential Tenancy Branch

