



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Elizabeth Manor  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This was a hearing with respect to the landlord's application for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord's representative and the tenants called in and participated in the hearing

### Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order and if so, in what amount?

### Background and Evidence

The rental unit is an apartment in Surrey. The tenancy began on October 1, 2012. The monthly rent is \$850.00, payable on the first day of each month. The tenants paid a security deposit of \$25.00 on September 27, 2012.

On March 2, 2013 the landlord served the tenants with a 10 day Notice to End Tenancy for unpaid rent by placing it in the tenants' mailbox. The Notice claimed that the tenant failed to pay rent in the amount of \$207.33 that was due on March 1, 2013.

At the hearing the landlord's representative testified that the sum of \$207.33 was an amount of rental arrears that have been outstanding and carried forward from the commencement of the tenancy that despite promises had not been paid. The tenants did not apply to dispute the Notice to End Tenancy. The tenants have not paid the full amount of rent due for April; there is \$283.33 outstanding for April, plus a \$25.00 late fee as provided for in the tenancy agreement.

### Analysis

The tenants have not applied to dispute the 10 day Notice to End Tenancy; they are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

At the hearing the landlord agreed to allow the tenancy to continue if the tenants paid the outstanding arrears on or before April 30, 2013, but the landlord requested that I grant an order for possession that will be effective if the rental arrears, late fee and filing fee are not paid on or before April 30, 2013.

### Conclusion

I find that the landlord is entitled to a monetary award in the amount of \$565.66. This is made up of \$283.33 outstanding for April, \$207.33 in arrears, a \$25.00 late fee and the \$50.00 filing fee for this application. I grant the landlord a monetary order in the said amount. This order may be registered in the Small claims Court and enforced as an order of that court.

I grant the landlord an order for possession effective April 30, 2013, after service on the tenants, but this order for possession will become void and unenforceable if, the tenants pay the landlord the sum of \$565.66 on or before April 30, 2013.

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: April 10, 2013

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Residential Tenancy Branch

