



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNR, OPR

### Introduction

A substantial amount of 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 for \$8860.00, and a request for recovery of the \$100.00 filing fee.

### Background and Evidence

The applicant testified that:

- This tenancy began on July 1, 2009 with the monthly rent of \$1475.00.

- The tenant has fallen behind in the rent and therefore on April 3, 2013 the tenant was personally served with a 10 day Notice to End Tenancy for nonpayment of rent.
- To date the tenant has failed to comply with that notice, and has failed to pay any further rent.

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

May 2012 rent returned NSF	\$1475.00
NSF fee	\$35.00
July 2012 rent outstanding	\$1475.00
October 2012 rent outstanding	\$1475.00
December 2012 rent outstanding	\$475.00
January 2013 rent outstanding	\$975.00
April 2013 rent outstanding	\$1475.00
May 2013 rent outstanding	\$1475.00
Filing fee	\$100.00
Total	\$8960.00

The respondent testified that:

- She does not dispute the amount of rent owed, as she owes the full amount and would pay it if she had the funds. She does not however have the funds to pay the outstanding rent.
- She therefore does not dispute the landlord's application.

### Analysis

Since the tenant is not disputing the landlord's application and agrees with the amount of rent outstanding, I allow the landlords request for an Order of Possession and a Monetary Order.

The Residential Tenancy Regulations however only allow an NSF fee of \$25.00, and therefore that is the maximum I will allow for the May 2012 NSF charge.

The Monetary Order therefore will be \$10.00 less than requested by the landlords.

### Conclusion

I have issued an Order of Possession that is enforceable 2 days after service on the tenant.

I have issued a Monetary Order in the amount of \$8950.00.

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: May 15, 2013

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Residential Tenancy Branch

