



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for \$1790.00 and recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by personal service; 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

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order of \$1790.00?

Background and Evidence

The applicant testified that:

- The tenant failed to pay the July 2013 rent and therefore on July 2, 2013 a 10 day Notice to End Tenancy for nonpayment of rent was posted on the tenants' door.
- The tenant failed to comply with that notice, and failed to pay the outstanding rent within the required timeframe and therefore on July 23, 2013 they applied for dispute resolution.
- The tenant subsequently paid the full outstanding July 2013 rent, however the tenant has only paid a portion of the August 2013 rent, and all monies were accepted for use and occupancy only.
- At this time there is still \$480.00 in rent outstanding for the month of August, \$10.00 outstanding for the August parking fee, and the tenant owes too late fees of \$20.00 for the months of July 2013 and August 2013.
- They are therefore requesting an Order of Possession for soon as possible and a reduced Monetary Order as follows:

August 2013 rent outstanding	\$480.00
Late fees	\$40.00
Parking fee	\$10.00
Filing fee	\$50.00
Total	\$580.00

Analysis

It is my finding that the applicant has shown that the tenant failed to pay the July 2013 rent and was served with a valid 10 day Notice to End Tenancy.

It is also my finding that the applicant did not dispute the Notice to End Tenancy, nor did the applicant pay the outstanding rent within the five-day grace period.

Therefore since any rent collected was collected for use and occupancy only the landlord does have the right to an Order of Possession.

It's also my finding that the landlord has established the full monetary claim listed above.

Conclusion

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

I have issued a Monetary Order in the amount of \$580.00.

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: August 28, 2013

Residential Tenancy Branch

