



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 hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony.

Despite in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on August 28, 2013, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on November 1, 2006. Monthly rent and the fee for parking are both due and payable in advance on the first day of each month. The monthly rent is presently \$815.00, and monthly parking is \$10.00. A security deposit of \$360.00 was collected on October 3, 2006.

Arising from rent which was unpaid when due on August 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 2, 2013. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is August 15, 2013. Subsequently, the tenant made an initial payment in the limited amount of \$500.00 on August 14, 2013. During the hearing, the landlord's agent testified that the tenant has now paid all rent for August and September, as well as the fees assessed for late payment of rent for August and September, and as well as the fees assessed for parking for August and September.

The tenant continues to reside in the unit, and the landlord's agent testified that monies currently owing are as follows: \$815.00 - *October rent*; \$20.00 - *fee assessed for late payment of October rent*; \$10.00 - *fee assessed for October parking*.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated August 2, 2013. The tenant did not pay the full amount of rent outstanding within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for the **monetary order**, I find that the landlord has established entitlement to compensation in the total amount of **\$895.00**, which is calculated as follows:

\$815.00: *October rent*
\$20.00: *fee assessed for late payment of October rent*
\$10.00: *fee for October parking*

\$50.00: *filing fee*

The landlord has not presently applied to retain the security deposit.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$895.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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: October 03, 2013

Residential Tenancy Branch

