



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 filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing and the submitted documentary evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing, the Landlord stated that the Tenant has made partial payments of the rent and is now only \$725.00 in rent arrears for December and also owes \$20.00 for the December late rent fee. The Tenant has confirmed this in her direct testimony.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background and Evidence

This Tenancy began on February 1, 2012 on a fixed term tenancy ending on July 31, 2012 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$725.00 payable on the 1st of each month and a security deposit of \$362.50 and a pet damage deposit of \$200.00 were paid on January 9, 2012.

Both parties confirmed that the Landlord served the Tenant with a 10 day notice to end tenancy issued for unpaid rent on October 3, 2013. The Tenant confirmed in her direct testimony that she was late paying rent and as of the date of this hearing, recently is only in arrears for \$725.00 for December rent and the \$20.00 late rent fee.

The Landlord seeks an order of possession and a monetary order for unpaid rent and the late rent fee for December of \$745.00.

Analysis

I accept the undisputed testimony of both parties and find that the Tenant was served with the 10 day notice to end tenancy issued for unpaid rent on October 3, 2013 and that the Tenant failed to pay all of the rent within the allowed time frame. The Tenant has confirmed that she was repeatedly late paying rent and is currently in arrears of \$745.00 for December rent and the late rent fee. The Landlord is granted an order of possession. This order must be served upon 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.

The Landlord has established a monetary claim of \$745.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary order under section 67 for the balance due of \$795.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$795.00.

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: December 04, 2013

Residential Tenancy Branch

