



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 583230 BC Ltd. / Royal Lepage City Centre
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing concerns 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. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

The tenant testified that tenancy began in 2006. However, the only written tenancy agreement in evidence reflects a tenancy beginning February 28, 2012. Monthly rent of \$1,144.00 is due and payable in advance on the first day of each month. The tenant testified that a security deposit was collected at the start of his tenancy, however, there is no documentary evidence in relation to how much that might have been and, further, the landlord's application does not include application to retain the security deposit.

Arising from rent which was unpaid when due on March 01, 2015, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 03, 2015. The notice was served by way of posting on the unit door on March 05, 2015. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is March 14, 2015. Subsequently, the tenant made a payment of \$670.00 on April 09, 2015, and he continues to reside in the unit. The tenant disputes the exact amount of outstanding rent, however, there is insufficient documentary evidence before me from the tenant to support his claim that a smaller amount remains unpaid.

Analysis

Based on the documentary evidence and testimony, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated March 03, 2015. The tenant did not pay the full amount of outstanding rent 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 compensation, I find that the landlord has established a claim of **\$1,464.00**:

RENT:

\$1,975.00: *unpaid rent pursuant to the 10 day notice (excludes the \$25.00 late fee included in the amount of \$2,000.00 shown on the notice)*

MINUS

\$670.00: *amount paid on April 09, 2015*

\$1,305.00

ADMINISTRATIVE FEES:

\$100.00: *fees assessed for late payment of rent @ \$25.00 per occasion*

\$60.00: *fees assessed for returned cheques @ \$20.00 per occasion*

MINUS

\$51.00: *amount paid*

\$109.00

FILING FEE:

\$50.00

During the hearing the parties undertook to schedule an in-person meeting to attempt to resolve the dispute. It was agreed that the meeting will occur as follows:

DATE: Thursday, May 07, 2015.

TIME: 2:30 P.M.

PLACE: Landlord's office located within the same local government authority as the rental unit

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 **\$1,464.00**. 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: April 27, 2015

Residential Tenancy Branch