



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0868732 B.C. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, OPR, FF

Introduction:

This was an application by the landlord for an Order for Possession, and a Monetary Order pursuant to a Notice to End the tenancy for non-payment of rent dated September 14, 2015. Only the landlord's agent SA attended the hearing. Based on SA's evidence I found that the tenant was served with the Notice to End the Tenancy on September 17, 2015 by posting it to the tenant's door on September 14, 2015. I also found that the tenant had received the application for dispute resolution based on SA's evidence that she by delivered it to his mail box on November 6, 2015 and that the tenant acknowledged receiving on that day. SA testified that the application was also sent by registered mail to the tenant on October 27, 2015.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Background and Evidence:

SA testified and provided a copy of the tenancy agreement indicating that the tenancy began September 1, 2013. The current rent in is \$ 327.00 due in advance on the first day of each month without any security deposit. The landlord claimed for unpaid rent for September, October, November, and December 2015 as well as late payment fees pursuant to the tenancy agreement at \$ 25.00 per month. SA asked for an Order for Possession.

Analysis:

The tenant has not paid all the outstanding rent on time and has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for possession effective two days after service on the tenant.

The landlord had only claimed in the application for two months of rent (September and October.) Accordingly I have found that the landlord is only permitted to claim for the month(s) of September and October 2015 and therefore has established a claim for unpaid rent totalling \$ 654.00. I have dismissed the application for late payment fees as those fees are prescribed by the Regulations to be only for the *late payments* as opposed to *non-payment* of rent. The landlord is entitled to recover the \$ 50.00 filing fee for this application for a total claim of \$ 704.00.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I granted the landlord an order under section 60 for the balance due of **\$ 704.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. The landlord may reapply for any other rent outstanding beyond October 2015.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: December 21, 2015

Residential Tenancy Branch

