



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, OPB, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 25, 2012; 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

This is a request for an order of possession based on a notice to end tenancy for nonpayment of rent, a request for a monetary order for unpaid rent and late fees, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began on July 1, 2011.
- The present monthly rent is \$444.00.
- The tenant has fallen behind on the rent as follows:

Rent outstanding for August 2012	\$11.00
Rent outstanding for September 2012	\$444.00
Rent outstanding for October 2012	\$444.00
Rent outstanding for November 2012	\$444.00
Total	\$1343.00

- The tenant was served with a 10 day notice to end tenancy on October 2, 2012, however the tenant has not complied with that notice.
- The tenant has also failed to pay late fees of \$25.00 per month for two months for total of \$50.00.

The applicant is therefore requesting an order of possession for as soon as possible, an order for the outstanding rent, an order for the outstanding late fees, and recovery of the \$50.00 filing fee.

Analysis

It's my finding that the landlord has shown that at this time there is a total of \$1343.00 in rent outstanding, and I therefore allow the landlords request for an order for that outstanding rent.

It's also my finding that there is a clause in the tenancy agreement requiring a late fee of \$25.00 when rent is late, and I therefore allow the landlords request for \$50.00 in late fees.

It is also my finding that the tenant has been served with a valid 10 day notice to end tenancy and has failed to comply with that notice, and therefore I also allow the request for an order of possession.

I also allow the request for recovery of the filing fee.

Conclusion

I've issued an order of possession that is enforceable two days after service on the respondent.

I've issued a monetary order in the amount of \$1443.00.

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

Dated: November 29, 2012.

Residential Tenancy Branch

