



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, OPR, MNR, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution.

The Tenant filed her Application requesting an order to cancel the 10 day Notice to End Tenancy for unpaid rent, and to recover the filing fee for the Application.

The Landlord applied for an order of possession based on the 10 day Notice to End Tenancy for unpaid rent, for a monetary order for unpaid rent, and to recover the filing fee for the Application.

An Agent for the Landlord appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Tenant had a Notice of Hearing for her own Application and the Landlord had served her with a Notice of Hearing for its Application by registered mail, sent on July 23, 2010. Despite this the Tenant did not appear at the hearing. I find the Tenant has been duly served under the Act.

As the Tenant did not attend the hearing, her Application is dismissed without leave to reapply.

Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

Background and Evidence

Based on the affirmed testimony of the Agent for the Landlord, I find that the Tenant was served with a Notice to End Tenancy for non-payment of April and July rent on July

13, 2010, by posting on the door of the rental unit. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

While the Tenant did file to dispute the Notice, she has failed to pay rent for April and July of 2010, according to the testimony of the Agent for the Landlord.

The Agent also testified that the Tenant is attempting to catch up on her rent payments, however, at the time of filing the Application the Landlord was concerned the Tenant would fail to pay ongoing rents until the time of the hearing.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant has not paid the outstanding rent and her Application to dispute the Notice has been dismissed.

Therefore, I find that the Landlord is entitled to an order of possession effective **two days** after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the Landlord has established a total monetary claim of **\$2,820.00** comprised of \$2,720.00 in unpaid rent for April and July of 2010, and the \$100.00 fee paid by the Landlord for this application. This order may be filed in the Provincial Court (Small Claims) 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: September 08, 2010.

Dispute Resolution Officer