

DECISION

Dispute Codes OPC, MNR, MNSD, MNDC, FF

Introduction

This is an application by the Landlord for an order of possession resulting from a notice to end tenancy for cause, a request for a monetary order for unpaid rent, to keep all or part of the security deposit, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement.

The Landlord attended by conference call and gave undisputed affirmed testimony.

The Tenant did not attend.

Issues(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background and Evidence

The Landlord states that there was a signed tenancy, but has misplaced it. The Landlord states that the monthly rent is \$575.00 and that the Tenant has failed to pay the rent for December 2010. The Landlord has provided a rent ledger, but has not provided any evidence of unpaid rent for December 2010. The Landlord has filed a copy of a 1 month notice to end tenancy for cause. The Landlord reports that the Tenants have frequent fights between where the police are called to attend. The Landlord also reports that he has verbally warned the Tenants 6-7 times over the last 3 months for these disturbances requiring the police. The Landlord also reports that the Tenant is illegally subletting the rental unit by having up to 7 people living in the rental unit. The Landlord has received frequent complaints from his upstairs Tenants about the Basement Tenants. The Landlord has not provided any documented proof of any of his direct evidence.

Analysis

Based only upon the undisputed affirmed testimony of the Landlord, I find that the Landlord has established cause to end the tenancy. I am satisfied that the Landlord properly served in person the 1 month notice to end tenancy for cause as provided in the proof of service by the Landlord's wife on September 20, 2010. The Tenant has not filed an application for dispute resolution within 10 days of receiving the notice. The Tenant is presumed to accept this notice and must move out of the rental unit. The Landlord is entitled to an order of possession. The Tenant must be served with the order of possession. 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.

As for the monetary order, I find based upon the undisputed affirmed testimony of the Landlord, that he has established a claim for \$575.00 in unpaid rent. The Landlord is entitled to recovery of the \$50.00 filing fee. The Landlord has not provided any evidence of the security deposit or what the amount is and as such I dismiss this portion of the application. I grant the Landlord an order under section 67 for \$625.00. 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 \$625.00.

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 03, 2010.

Dispute Resolution Officer