



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes:

OPR; MNR; MNDC, FF

Introduction

This is the Landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The parties gave affirmed testimony at the Hearing.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlord testified that the Tenant owes \$1,430.00 in unpaid rent. The Tenant stated that he has paid some of the outstanding rent, but is not certain how much because the Landlord did not provide him with receipts for any rent paid during the tenancy. The Tenant testified that the Landlord told him he owed \$700.00 in October, 2010, and the Tenant believes that is the amount he now owes the Landlord.

The Tenant testified that he received a 2 Month Notice to End Tenancy for Landlord's Use because the Landlords want to move their nephew into the rental unit.

The Tenant testified that he will be moving out of the rental unit on November 27, 2010.

Analysis

This is the Landlord's Application and therefore it is the Landlord's responsibility to

prove their claim. The Landlords did not provide any documentary evidence in support of their application.

Based on the testimony of both parties, I find that the Landlord has established a monetary claim in the amount of \$700.00 against the Tenant. The Landlord's application for an Order of Possession is dismissed, as the Landlord did not prove service of a 10 Day Notice to End Tenancy for Unpaid Rent on the Tenant, or provide a copy of the Notice in evidence.

The Landlords have been partially successful in their application and are entitled to recover the cost of the filing fee from the Tenant.

Conclusion

The Landlords' application for an Order of Possession is dismissed.

I hereby provide the Landlords with a Monetary Order in the amount of \$750.00 against the Tenant. This Order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (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: December 01, 2010.
