

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent and a monetary order for unpaid rent. Both parties participated in the conference call hearing.

Issues to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy started May 1, 2010 with rent of \$1200.00, the tenant paid a security deposit of \$600.00. On December 2, 2010 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities.

The landlord testified that the tenant currently owes unpaid rent for the months of November 2010, \$750.00, December 2010, \$1200.00 and January 2011, \$1200 for a total of \$3150.00 in unpaid rent. The landlord stated that the tenant also owes \$80.00 towards utilities however the signed tenancy agreement does not state that the tenant is responsible for paying for utilities.

The landlord has requested an order of possession for January 23, 2011 to allow the tenant time to vacate the rental unit.

The tenant testified that she does owe 2 months of rent but that she has not been able to pay the rent as she has not received her cheques from the ministry. The tenant does not agree that she owes for utilities as the landlord has only ever made 1 other demand for money for utilities and the signed tenancy agreement does not state that the tenant is responsible for paying for utilities.

Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although the tenant did apply for dispute resolution to dispute the notice, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$3150.00 in unpaid rent.

The landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 PM, January 23, 2011**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$3150.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$3200.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: January 14, 2011

Dispute Resolution Officer