



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      MNR, OPR

### Introduction

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

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The parties agreed that the tenant is obligated to pay \$850.00 per month in rent in advance on the first day of each month. The landlord testified that the tenant failed to pay rent in the months of December – February inclusive.

The tenant acknowledged that he did not pay rent in February but claimed that on December 24 he couriered to the landlord's office \$1,700.00 in cash, representing his rental payment for December and January. The tenant testified that he was advised by the courier company that the money was placed in the mail slot. The landlord denied having received that payment.

### Analysis

When a landlord has alleged that rent has not been paid, the tenant bears the burden of proving that the rent has indeed been paid. Although the tenant claimed that he hired a courier to deliver the rent, he did not provide any evidence to corroborate this claim, such as a letter from the courier company confirming that they had been retained to deliver the rent and that the rent had indeed been successfully delivered. I find that the tenant has failed to prove that the rent was paid and I find that the landlord has grounds to end the tenancy. I grant the landlord 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 that the tenant failed to pay rent in the months of December, January and February. I find that the landlord has established a claim for \$2,550.00 in unpaid rent as well as a further \$50.00 which represents the filing fee paid to bring this application. I grant the landlord an order under section 67 for \$3,000.00. 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 \$3,000.00.

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: February 16, 2011

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Residential Tenancy Branch