



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

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

The Landlord attended the hearing by conference call and gave testimony. The Tenant did not attend.

At the beginning of the hearing the Landlord stated that he was only seeking \$50.00 in rent arrears as he received a rent payment of \$1,900.00 which he issued a receipt for use and occupancy only.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession resulting from a 10 day notice to end tenancy for unpaid rent or utilities?

Is the Landlord entitled to a monetary order?

Background and Evidence

The Landlord states that he served a 10 day notice to end tenancy for unpaid rent or utilities on March 6, 2011, but has not submitted a copy to the Branch. The Landlord has a witness to verify service of the 10 day notice, but the witness is not available. The Landlord has not provided any supporting evidence of the 10 day notice or of it's service.

The Landlord states that he served the notice of hearing documents by registered mail on the Tenants on March 16, 2011.

The Landlord states that the monthly rent is \$1,900.00 and that he retains a security deposit of \$950.00.

The Landlord has not provided any evidence of what the rent arrears of \$50.00 was for or any supporting evidence to verify it.

Analysis

Based upon the direct evidence of the Landlord, I am satisfied that the notice of hearing package was properly served on the Tenants.

The Landlord has failed to provide any evidence to support his application. The Landlord did not file a copy of the 10 day notice to end tenancy and as such, I find that I am not satisfied that the Landlord has proven his claim. I dismiss this portion of the claim.

The Landlord has not provided any evidence to support his claim of rent arrears and as such, I find that I am not satisfied and dismiss this portion of the claim.

Conclusion

The Landlord's application is dismissed.

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: April 04, 2011.

Residential Tenancy Branch