



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenant did not attend.

The agent testified there was an error in the name of the applicant on the Application for Dispute Resolution, I have amended the Application to correct the error.

The agent also testified that he served the tenant personally with notice of this hearing on July 15, 2011.

Based on this testimony, I find that the tenant has been sufficiently served with the Dispute Resolution Direct Request Proceeding documents pursuant to the *Residential Tenancy Act (Act)*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Act*.

Background and Evidence

The landlord's agent testified the tenancy began as a 1 year fixed term tenancy beginning on May 1, 2011 for the monthly rent of \$775.00 due on the 1st of each month. The agent further stated the tenant never paid the requested security deposit and has paid only \$400.00 in rent since the start of the tenancy.

The landlord testified that he served the tenant with a 10 Day Notice to End the Tenancy for Unpaid Rent in June, 2011 but that the tenant has neither vacated the rental unit nor paid any rent. The landlord did not file a copy of the Notice as evidence in this Application.

Testimony filed by the landlord's agent indicates the tenant failed to pay the full rent owed for the months of May, June, July and August 2011.

Analysis

As the landlord has failed to provide a copy of the 10 Day Notice to End Tenancy for Unpaid Rent served to the tenant in June 2011, I cannot determine if the tenant was issued a notice to end the tenancy in accordance with the *Act*. I therefore dismiss the landlords' Application for an order of possession.

Based on the landlord's agent's testimony and in the absence of any evidence or testimony from the tenant I accept that the tenant has failed to pay rent in full as described above.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$2,750.00** comprised of \$2,700.00 rent owed and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: August 11, 2011.

Residential Tenancy Branch