



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR and FF

### Introduction

This application was brought by the landlord on December 1, 2011 seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served in person on November 18, 2011.

The landlord also sought a Monetary Order for the unpaid rent and recovery of the filing fee for this proceeding.

### Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and Monetary Order for the unpaid rent and filing fee.

### Background and Evidence

According to the testimony of the landlord's representative, this tenancy began on September 24, 2011, rent is \$1,200 per month and he does not have knowledge as to whether a security deposit was paid.

During the hearing, the landlord's representative gave evidence that the Notice to End Tenancy of November 18, 2011 was served when the tenant had a rent shortfall of \$531.66 for the rent due on November 1, 2011 and had paid \$718.34 which would total \$1,250, an amount greater than the stated monthly rent. .

The tenant, who joined the hearing a little later, adamantly contested the claim stating that the landlord owed him \$1,100 as part of some agreement for exchange of services for rent.

The landlord's representative also alluded to some co-mingling of the rental agreement with an agreement for services, although he did not seem certain of the details.

### Analysis

Neither party submitted any documentary evidence other than the Notice to End Tenancy.

In the absence of a rental agreement, or a subsidiary agreement involving an exchange of services for rent, cancelled cheques, receipts or some corroboration of the opposing claims of the parties, I am unable to make a determination on the matter.

Therefore, I dismiss the application with leave to reapply.

### Conclusion

This application is dismissed with leave to reapply for want of evidence..

Dated: December 14, 2011.

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Residential Tenancy Branch