



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, 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 she served the tenant personally with the notice of hearing documents on November 17, 2011 at 5:42 p.m. and that this service was witnessed by a third party. I accept this undisputed testimony and find the tenant has been sufficiently served with the notice of this hearing.

The agent also testified the tenant has moved out of the rental unit but has left some belongings and has not yet returned the keys, however the landlord has changed the locks and is no longer concerned with possession of the rental unit. As such, I amend the landlord's Application to exclude the matter of possession.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; and to recover the filing fee from the tenant for the cost of the landlord's Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

### Background and Evidence

The landlord's agent testified the tenancy began sometime in July 2010 as a month to month tenancy for a monthly rent of \$300.00 due on the 1<sup>st</sup> of each month and that no security deposit was paid.

The landlord submitted the following documentary evidence:

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on November 3, 2011 with an effective vacancy date of November 13, 2011 due to \$720.00 in unpaid rent.

Documentary evidence filed by the landlord and testimony from the landlord's agent indicates the tenant failed to pay the full rent owed for the months of September,

October and November 2011 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent personally on November 3, 2011 at 5:20 p.m. and that this service was witnessed by a third party.

While the landlord acknowledges the tenant paid some monies towards the arrears after the 10 Day Notice was issued, the landlord's agent confirmed the current arrears are \$620.00.

### Analysis

In the absence of any testimony or evidence from the tenant I accept the landlord's agent's testimony that the tenant has failed to pay the rent leaving arrears in the amount stipulated by the agent in the hearing and shown in the tenant ledger submitted by the landlord.

### Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$670.00** comprised of \$620.00 rent owed and the \$50.00 filing 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: December 01, 2011.

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Residential Tenancy Branch

