



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. The landlord and one tenant participated in the teleconference hearing.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order?

### Background and Evidence

The tenant stated that he moved into the rental unit approximately one year ago. Rent in the amount of \$1200 is payable in advance on the first day of each month. The landlord stated that the tenants failed to pay rent in the month of January 2012 and on January 9, 2012 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants made one payment of \$100 and another payment of \$60 in January 2012 but failed to pay any rent in the month of February 2012. The landlord did not provide receipts or any other evidence of what rent the tenants had or had not paid.

The tenant disputed the amounts of rent paid to the landlord for outstanding rent, but acknowledged that the full rent of \$1200 was not paid within 5 days of receiving the notice to end tenancy for unpaid rent.

### Analysis

I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the full outstanding rent and have not applied for dispute resolution to dispute the notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord did not provide sufficient evidence to support the monetary claim.

As the landlord was only partially successful in his application, I find he is not entitled to recovery of the filing fee for the cost of his application.

Conclusion

The monetary portion of the landlord's application is dismissed.

I grant the landlord an order of possession effective two days from service. The tenants 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.

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 15, 2012.

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Residential Tenancy Branch