

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. Other than a copy of the 10 day notice to end tenancy for unpaid rent submitted by the Landlord, neither party submitted any documentary evidence. As such, I am satisfied that both parties have been properly served as deemed under the Act.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background, Evidence and Analysis

Both parties agreed that the Landlord served the 10 day notice to end tenancy for unpaid rent on Friday, June 8, 2012 by posting it on the rental unit door. The Tenant confirms that he received it on either the 9th or 10th on the door that weekend. The notice states that rent of \$1,100.00 due on June 1, 2012 was unpaid. The notice shows an effective date of June 13, 2012. The Landlord states that the Tenant has also failed to pay the July 2012 rent. The Tenant stated in his direct testimony that he paid the Landlord in cash for June rent and that Landlord has never given him any receipts for past cash rent payments. The Tenant states that he has not paid the July 2012 rent. The Tenant stated that he would routinely withdraw his monthly rent from his bank account and pay the Landlord in cash. Based upon the evidence provided, I am not satisfied that the Tenant has paid the June rent. The Tenant has failed to provide any supporting evidence of paid rent. I prefer the evidence of the Landlord over that of the Tenant. The Landlord is entitled to an order of possession. The order must be served on the Tenant. 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.

The Landlord has also established a claim for unpaid rent for June and July of 2012 for \$2,200.00. The Landlord is entitled to recovery of the \$50.00 filing fee. The Landlord is

granted a monetary order for \$2,250.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$2,250.00.

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: July 17, 2012.

Residential Tenancy Branch