

DECISION

Dispute Codes OPR, MND, FF, CNR, CNC

Introduction

There are applications filed by both parties. The Landlord has made an application for an order of possession and monetary order for unpaid rent and the recovery of the filing fee. The Tenant has made an application to cancel a notice to end tenancy for unpaid rent and to cancel a notice to end tenancy issued for cause.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended the hearing and have acknowledged receiving the submitted evidence of the other party, I am satisfied that both have been properly served with the notice of hearing and evidence packages.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order for unpaid rent?

Is the Tenant entitled to an order cancelling the notice to end tenancy for unpaid rent?

Is the Tenant entitled to an order cancelling the notice to end tenancy for cause?

Background and Evidence

Both parties agreed that the Tenant was served with a 10 day notice to end tenancy for unpaid rent and a 1 month notice to end tenancy for cause on July 4, 2012. The Landlord states that the monthly rent is \$550.00 and that a \$275.00 security deposit was paid by the Tenant.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$550.00. The Tenant disputes this stating that she paid the rent in cash after the Landlord refused to accept the rent payment by cheque. The Tenant states that rent was paid after the July long weekend in cash when she withdrew it from her bank account and gave it to the Landlord on the same day. The Landlord disputes this stating that no rent has been paid for July.

The Tenant has also stated in her direct testimony that although she filed to cancel the 1 month notice to end tenancy for cause, she is not disputing the Landlord's claims for cause.

Analysis

As both parties have acknowledged that the Tenant was served with the notice to end tenancy for unpaid rent on July 4, 2012, I am satisfied that the Tenant has been properly served.

I find on a balance of probabilities that the Landlord has established a claim for unpaid rent. The Tenant has failed to satisfy me that rent was paid in cash to the Landlord. The Landlord is entitled to an order of possession for unpaid rent. The order of possession 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.

As the Landlord's grounds for unpaid rent have been established, the reasons for cause for the 1 month notice to end tenancy for cause have not been considered for this decision.

The Landlord has established a claim for unpaid rent of \$550.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$600.00. 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 \$600.00.

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 30, 2012.

Residential Tenancy Branch