



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, CNR, MNR, FF

Introduction.

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The tenant applied for an order to cancel the notice to end tenancy.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession or should the notice to end tenancy be set aside? Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

The tenancy started in May 2009. The rent is \$800.00 per month due on the first day of each month.

The landlord stated that right through the term of the tenancy, the tenant was behind on rent. He gave the tenant the opportunity to catch up but in July 2012, the landlord decided to end the tenancy when the tenant's debt reached \$6,350.00. On July 20, 2012, the landlord served the tenant with a ten day notice to end tenancy. The tenant disputed the notice in a timely manner.

At the hearing the tenant stated that she owed \$600.00 while the landlord filed a statement of accounts indicating that the tenant owed \$5,950.00 in unpaid rent. Neither party had any additional documentary evidence to support their testimony. The landlord agreed that he did not give receipts. The tenant stated that half the rent was paid directly to the landlord by Social Services and the other half was paid in cash for which she has no receipts.

Analysis

Based on the sworn testimony of both parties, I find that the tenant received the notice to end tenancy on July 20, 2012 and did not pay overdue rent as of the date of this hearing. Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

In the absence of sufficient evidence to determine the quantum of unpaid rent, I will grant the landlord a monetary order in the amount of outstanding rent that the tenant agreed to (\$600.00). Since the landlord has proven a portion of his claim, I will also award him \$50.00 toward the filing fee.

Accordingly, I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of **\$650.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant. I also grant the landlord a monetary order in the amount of **\$650.00**

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: August 16, 2012.

Residential Tenancy Branch