



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

The landlord stated that the notice of hearing was served on the tenant in person on August 05, 2012 in the presence of a friend. The landlord did not file any proof of service. The tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The tenancy started in February 2011. The monthly rent is \$590.00 due in advance on the first of each month. The landlord did not file a copy of the tenancy agreement.

The landlord testified that the tenant paid rent that was \$150.00 short for the months of April to August and now owes \$750.00. The landlord stated that on July 03, 2012, she served the tenant with a notice to end tenancy for non payment of rent. The landlord did not file a copy of the notice to end tenancy.

The evidence in front of me consisted of the landlord's application. I did not have any other evidence to support the landlord's case. The landlord stated that she filed a copy of the notice to end tenancy along with her application on August 02 at the Burnaby office. The file notes stated that the tenant filed "0" pages of evidence. I checked the evidence log and it shows that the tenant did not file any documents into evidence.

The landlord is applying for an order of possession effective two days after service on the tenant and is also applying for a monetary order for unpaid rent in the amount of \$750.00 and for the recovery of the filing fee of \$50.00.

Analysis

Further to the landlord's application for dispute resolution and copies of the notice of dispute resolution hearing, there was no documentary evidence whatsoever before me. Therefore I am unable to determine the validity of the notice to end tenancy, the terms of the tenancy agreement and other factors involved in the making of the decision to grant the landlord's application.

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, Residential Tenancy Branch Rules of Procedure, forms and more can be accessed via the website: www.rto.gov.bc.ca

Conclusion

Following from the above, the landlord's application is hereby dismissed with leave to reapply.

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 30, 2012.

Residential Tenancy Branch