

## **DECISION**

Dispute Codes      OPR, MNR, FF, CNR

### Introduction

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

Both parties attended the hearing by conference call and gave testimony. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on August 8, 2012 and has submitted copies of the Customer Receipts and on-line tracking information as confirmation. As both parties have attended the hearing and have confirmed receipt of the notice of hearing package and the evidence submitted, I am satisfied that both parties have been properly served.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

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

### Background, Evidence and Analysis

This Tenancy began on July 1, 2007 on a month to month basis as shown by the submitted copy of the signed tenancy agreement.

The Landlord states that the Tenant was served with the 10 day notice to end tenancy for unpaid rent on July 10, 2012 by posting it on the rental unit door. The Tenant, J.J.S. has confirmed receipt of the notice. The Tenant stated that they are undergoing financial hardships and are unable to completely pay off the outstanding rent. I note that the Tenant did not file for dispute resolution until August 28, 2012. The Tenant failed to apply within the allowed time frame. In any event, the Tenant confirmed in her direct testimony that the outstanding rent was not paid. I am satisfied based upon the evidence provided by both parties that the Tenant was properly served with the 10 day notice to end tenancy for unpaid rent on July 11, 2012. Based upon the above the Landlord has established a claim for an order of possession. The Landlord is granted an order of possession. 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.

As for the monetary claim, the Landlord has established a claim for \$4,824.66 for unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$4,874.66. This order may be filed in Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Tenant's application is dismissed.

The Landlord is granted an order of possession and a monetary order for \$4,874.66.

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: September 05, 2012.

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Residential Tenancy Branch