



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPR, MNR, CNR, 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.

The notice of hearing was served on the tenant by registered mail on December 18, 2012. The landlord filed a copy of the tracking number. Despite having been served the notice of hearing and having made application for dispute resolution herself, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Since the tenant did not attend the hearing, the tenant's application is dismissed. Accordingly this hearing only dealt with the landlord's application for an order of possession and a monetary order for unpaid rent and the filing fee.

Issues to be decided

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

Background and Evidence

The landlord and tenant entered into a tenancy agreement on December 01, 2009. At the start of the tenancy, the monthly rent was \$1,500.00 payable on the first of the month.

The tenant started falling back on rent from May 2012. In August 2012, the landlord lowered the rent to \$1,300.00 to accommodate the tenant's financial situation.

The tenant's rent cheques were returned on a regular basis for insufficient funds. The landlord filed copies of the returned cheques. The landlord was sympathetic to the tenant and gave her additional time to catch up.

Eventually on November 28, 2012, the landlord served the tenant with a notice to end tenancy for unpaid rent. As of the date of the hearing, the landlord testified that the tenant owed rent in the amount of \$8,900.00.

The landlord has also applied for an order of possession effective two days after service on the tenant.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept his evidence in respect of the claim. The tenant received the notice to end tenancy on November 28, 2012 and applied to dispute the notice but did not attend the 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.

Based on the sworn testimony of the landlord and in the absence of evidence to the contrary, I find that the landlord has established a claim of \$8,900.00 for unpaid rent. Since the landlord has proven his case, he is entitled to the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$9,000.00. 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 **\$9,000.00**. The tenant's application is dismissed in its entirety.

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: January 09, 2013.

Residential Tenancy Branch

