



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Eton Apartments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This is an application filed by the Landlord for an order of possession for unpaid rent or utilities.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant attended the hearing by conference call and did not submit any documentary evidence. The Landlord states that the Tenant was personally served with the notice of hearing package at the rental address on February 15, 2013. The Landlord has submitted a signed receipt of acknowledgement by the Tenant which was witnessed. As such, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Background, Evidence and Analysis

Both parties agreed that the Landlord served the Tenant with a 10 day notice to end tenancy issued for unpaid rent on February 1, 2013 by posting it to the rental unit door. As such, I am satisfied that the Tenant was properly served with the notice to end tenancy. The notice states an effective date of February 11, 2013. The notice also states that the rent amount due of \$1,960.00 was due on February 1, 2013 remains unpaid. The Landlord states that these rent arrears are for \$980.00 for December 2012 and \$980.00 for January of 2013. The Landlord further states that the Tenant has not paid any rent for February and March as of the date of the hearing. The Tenant disputes this stating that the Landlord has refused to accept rent payments from him. The Landlord denies this.

I prefer the evidence of the Landlord over that of the Tenant on a balance of probabilities. Both parties have confirmed that the rent remains unpaid and the Tenant has provided no evidence to satisfy me that the Landlord was refusing rent for the last 4 months in order to obtain an order of possession. The Landlord's application for an order of possession is granted. 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 to be enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession.

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: March 08, 2013

Residential Tenancy Branch

