



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended the hearing and have confirmed receipt of the notice of hearing package, 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?

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 dated February 20, 2013 by Canada Post Registered Mail on the same date. The Landlord has submitted a copy of the Customer Tracking Receipt as confirmation.

The Landlord states that the Tenant failed to pay rent for February, March and April at \$1,125.00 per month for a total of \$3,375.00. The Tenant stated in her direct testimony that she did not pay the rent for February and March, but that she vacated the rental unit on March 30, 2013 after providing a notice to vacate to the Landlord. The Landlord confirmed receipt of the notice to vacate, but is unable to state when the Tenant had vacated.

I find based upon the undisputed testimony of both parties that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent. The Tenant did not

pay rent or file for dispute resolution to dispute the notice. The Landlord is entitled to an order of possession.

Based upon the Tenant's admission that no rent was paid for February and March, I find that the Landlord has established a claim for a monetary order for unpaid rent for the months of February and March 2013 of \$2,250.00. The Tenant disputes the claim for unpaid rent for April and the Landlord has confirmed that the Tenant did provide a notice to vacate, but chose not to check on March 30, 2013 whether the Tenant had indeed vacated the rental unit. The Landlord has failed to provide sufficient evidence to establish a claim for loss of rent for April 2013. The Landlord is also entitled to recovery of the \$50.00 filing fee.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$2,300.00.

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: April 05, 2013

Residential Tenancy Branch

