



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0837200 B.C. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This is a review hearing for an application filed by the Landlord for an order of possession and a monetary order for unpaid rent.

Both parties attended the hearing by conference call and gave testimony. Neither party has submitted any documentary evidence. As both parties have attended 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 and Evidence

This Tenancy began on March 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$800.00 payable on the 1st of each month a security deposit of \$400.00 was paid on March 1, 2013.

The Landlord states that the Tenant provided cheques for the first month's rent of \$800.00 and the security deposit of \$400.00, but that they were returned as "NSF". The Tenant confirmed this in her testimony stating that the "cheques bounced". The Tenant states that she paid the March, April rent and the security deposit in cash to the Landlord's Agent. The Landlord disputes this.

The Landlord states that he served the Tenant with a 10 day notice to end tenancy issued for unpaid rent dated April 3, 2013 on the same date by posting it to the rental unit door. The notice states that \$2,000.00 was due on April 1, 2013 and was unpaid. The Landlord has provided a proof of service document that states that notice was posted with a witness on April 3, 2013. The Landlord also stated that he was contacted by the Tenant and that he re-served another copy of the same notice to the Tenant on another date. The Landlord clarified that the \$2,000.00 on the notice represented \$800.00 for March rent, \$800.00 for April rent and the unpaid \$400.00 security deposit. The Landlord states that as of the date of this hearing the Tenant has not paid any rent or the security deposit. The Tenant disputes this stating that the March, April rent and the security deposit was paid in cash to the Landlord's Agent and that she was advised by a representative of the Residential Tenancy Branch to withhold the any rent until the dispute was resolved. The Landlord disputes that any payments have been made.

Analysis

I find that the Landlord served the Tenant with the 10 day notice to end tenancy issued for unpaid rent dated April 3, 2013 based upon the submitted proof of service document. I also find on a balance of probabilities that the Tenant has failed to pay any rent or the security deposit. The Tenant stated that she paid \$2,000.00 in cash to the Landlord for 2 months rent and the security deposit, but has no evidence to support this claim. I find it unlikely that there would be no records of this transaction by the Tenant if the Landlord was paid in cash.

I find that as no rent has been paid, the Landlord is entitled to an order of possession. This order must be served upon the Tenant. Should the Tenant fail to comply the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The Landlord has established a claim for unpaid rent. The Tenant has also confirmed in her direct testimony that no rent has been paid for May or June. As the Tenant is still in possession of the rental unit, I find that the Landlord is entitled to a monetary claim for remaining unpaid rent from March 1 to June 30, 2013 totalling, \$3,200.00. As the security deposit of \$400.00 was never paid, I decline to grant the Landlord the recovery of this amount.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$3,200.00.

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: June 13, 2013

Residential Tenancy Branch