



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Warrington PCI
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, FF, O

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and recovery of the filing fee.

Both parties attended the hearing by conference call and gave undisputed testimony. The Landlord states that the Tenant, C.S. and the Occupant, R.S. were both served by Canada Post Registered Mail on May 28, 2013. The Occupant, R.S. has confirmed that a package was received, but that she did not pick it up due to personal reasons. The Occupant, R.S. stated that she contacted the Landlord's Agent, M.S. to obtain the details of the application. The Landlord has provided in her direct testimony the Canada Post Registered Mail Tracking Numbers sent May 28, 2013 for both the Tenant, C.S. and the Occupant, R.S. I am satisfied based upon the undisputed evidence that the Tenants, C.S. and the Occupant, R.S. were both properly served with the notice of hearing package and submitted documentary evidence.

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

Both parties agreed that the Tenancy Agreement was in the name of L.S. (the Occupants mother) and C.S. (the Occupants son). Both parties also agreed that the monthly rent was \$1,300.00 and that a \$650.00 security deposit was paid.

Both parties agreed that the Landlord served the Occupant, R.S. with a 10 day notice to end tenancy issued for unpaid rent dated May 15, 2013. The Landlord has provided a

copy of a proof of service document which confirms this stating that the notice dated May 15, 2013 was posted to the rental unit door with a witness. The notice states that rent of \$1,300.00 was due on May 1, 2013 and is unpaid. Both parties agreed that no rent has been paid since this notice was served. The effective date of the notice is May 24, 2013.

Analysis

I accept the undisputed testimony of both parties that the Tenants were properly served with the 10 day notice to end tenancy issued for unpaid rent by posting it to the rental unit door on May 15, 2013 with a witness. Both the Landlord and Tenant have stated that no rent has been paid for May 2013 and June 2013 totalling, \$2,600.00. The Tenant stated that she is not contesting the Landlord's claims, but states that she has somewhere else to move to at the end of the month.

I find that the Landlord has established a claim for an order of possession for unpaid rent for May and June of 2013. The Tenant has confirmed in her direct testimony that no rent has been paid for both months. The Landlord is granted an order of possession. This Order must be served upon the Tenant. Should the Tenant fail to comply, the Landlord may file this Order in the Supreme Court of British Columbia for enforcement of this Order.

As for the monetary claim, I find based upon the undisputed testimony of both parties that no rent has been paid for May and June. The Landlord is entitled to a monetary claim of \$2,600.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$2,650.00. This Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

Conclusion

The Landlord is granted an Order of Possession and a Monetary Order for \$2,650.00.

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 25, 2013

Residential Tenancy Branch