



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Sections 46 and 67 for unpaid rent;
- b) An Order of Possession pursuant to sections 46 and 55; and
- c) An order to recover the filing fee pursuant to Section 72.

SERVICE

The tenant did not attend the hearing. The landlord gave evidence that both the Notice to End Tenancy dated June 4, 2013 and the Application for Dispute Resolution were served by registered mail. It was confirmed online that the Notice to End Tenancy had not been picked up although several notices were left by the postal service but the Application was successfully delivered. I find the Notice to End Tenancy is deemed to be served and the Application was successfully served pursuant to sections 88 and 89 of the Act for the purposes of this hearing.

Amendment:

The tenant's first and last name was reversed on the Application; on the landlord's request it was amended.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that there is unpaid rent and that they are now entitled to an Order of Possession and a monetary order? If so, what is the amount of the compensation and is the landlord entitled to recover filing fees also?

Background and Evidence:

The tenant did not attend the hearing although served with the Application/Notice of Hearing. The landlord attended the hearing and was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenancy

commenced in March 2013, rent is \$900 a month, no security deposit was paid and the tenant has not paid \$100 rent for April 2013, or \$900 for May, June and July 2013.

In evidence is the Notice to End Tenancy for unpaid rent and calculations.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis:

Order of Possession:

I find there are rental arrears and the tenant has not made an Application pursuant to section 46 to set aside the Notice to End Tenancy dated June 4, 2013. In these circumstances pursuant to section 46, the tenancy was at an end on June 19, 2013 and I find the landlord entitled to an Order of Possession.

Monetary Order:

The onus is on the applicant to prove on a balance of probabilities their claim. I find the landlord's evidence credible that the tenant has not paid rent in the amount of \$2800 to date. However, on her Application she claimed only \$1900; based on the principle that a person must be notified of the total amount of money claimed against them, I find she is limited to obtaining a monetary order for \$1900 plus her filing fee. The landlord will have leave to reapply for further amounts owed to her.

Conclusion:

I find the landlord entitled to an Order of Possession and a monetary order for \$1950 (\$1900 plus \$50 filing fee); both orders are enclosed. I give the landlord leave to reapply for further amounts owed to her by the tenant.

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: July 25, 2013

Residential Tenancy Branch

