



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 recover of the filing fee.

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 June 1, 2008 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$405.00 payable on the 1st of each month and a security deposit of \$202.50 was paid on June 1, 2008. Both parties agreed that the current monthly rent was \$457.00.

Both parties agreed that the Landlord served the Tenant with a 10 day notice to end tenancy issued for unpaid rent dated July 9, 2013. The notice stated that \$357.00 was unpaid and due on July 1, 2013. The notice shows an effective date of July 19, 2013.

Both parties agreed that the Tenant is currently in arrears for \$157.00 for July 2013 rent and that the Tenant has not paid any rent for August 2013.

The Landlord seeks a monetary order for rent arrears of \$614.00. This consists of \$157.00 for July rent arrears and \$457.00 for August rent.

Analysis

I accept the undisputed testimony of both parties and find that the Tenant has been properly served with the 10 day notice to end tenancy issue for unpaid rent dated July 9, 2013. The Tenant has admitted in his direct testimony that he did not pay all of the rent owed or file for dispute resolution to dispute the notice. The Tenant has admitted to not paying \$157.00 of the July rent and all of the \$457.00 August rent. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary claim, I find based upon the undisputed testimony of both parties that the Landlord has established a claim for \$157.00 for July rent. As for the Landlord's request for all of August rent of 2013 for \$457.00, I find that the Landlord has only established a claim for ½ of the August rent until August 15th for \$228.50. The remaining portion of the Landlord's claim for the latter part of the claim is dismissed with leave to reapply as I find that it is premature at this time. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order for \$435.50. This order may be filed in the Small Claims Division of the Provincial Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$435.50.

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: August 07, 2013

Residential Tenancy Branch

