



# 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 recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant attended the hearing by conference call and gave testimony that no documentary evidence was submitted. The Landlord states that the Tenant was personally served with the notice of hearing package and the submitted documentary evidence on January 6, 2014. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, 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

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated December 11, 2013 in person on the same date. The notice states that the Tenant failed to pay rent of \$2,225.00 that was due on December 1, 2013 and that there is an effective end of tenancy date of December 21, 2013. The Landlord states that the Tenant failed to pay all of rent due nor did he file an application for dispute resolution to dispute the notice. The Landlord clarified in his evidence that the \$2,225.00 in rent arrears is for October, November and December and is separate from the monetary claim obtained on October 15, 2013. The Landlord states that the Tenant has also failed to comply with the settlement agreement by not paying any rent for that agreement as well.

The Tenant states that rent for November has been partially paid, but has not provided the receipts that he states he was given by the Landlord.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$2,225.00.

### Analysis

I accept the undisputed testimony of both parties and find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated December 11, 2013 that was served in person on the same date. The Tenant confirmed receipt of the notice in his direct testimony. The Landlord states that no rent has been paid since this notice was served and that the Tenant still occupies the rental unit without paying any rent as of the date of this hearing. I find that the Landlord has established a claim for unpaid rent of \$2,225.00. The Tenant failed to pay the rent within the allowed timeframe nor did the Tenants file an application for dispute resolution to dispute the notice. The Tenants are conclusively presumed to have accepted that the Tenancy was at an end. The Landlord is granted an order of possession. The Tenants must be served with the order of possession. Should the Tenants 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 evidence provided that I prefer the Landlord over that of the Tenant. The Tenant has failed to provide sufficient evidence to satisfy me that any rent was paid. The Landlord has established a claim for \$2,225.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order for \$2,275.00. 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 \$2,275.00.

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: January 17, 2014

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Residential Tenancy Branch

