



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

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

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenants did not attend or submit any documentary evidence. The Landlord states that the Tenants were both served with the notice of hearing package by Canada Post Registered Mail on January 2, 2014 and has provided in her direct testimony both of the Customer Receipt Tracking numbers as confirmation. The Landlord states that she spoke to the Tenants and confirmed that they had received the packages.

### 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 stated in her direct testimony that there is a signed tenancy agreement and that monthly rent is \$1,250.00 which is payable on the 20<sup>th</sup> day of each month. The Landlord state that no security deposit has been paid.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy issued for unpaid rent dated December 21, 2013. The notice states that the Tenant failed to pay rent of \$250.00 that was due on December 20, 2013 and that the effective end of tenancy date is December 30, 2013.

The Landlord states that since serving the Tenants with the 10 day notice dated December 21, 2013 that a payment of \$50.00 was received on January 4, 2013 for which a receipt was issued for use and occupancy only. The Landlord seeks an order of possession and a monetary order for unpaid rent of \$200.00.

### Analysis

I accept the undisputed testimony of the Landlord and find that I am satisfied that the Landlord did serve the Tenant with the 10 day notice to end tenancy issued for unpaid rent dated December 21, 2013 in person. The Tenant did not pay all of the rent owed within the allowed timeframe nor did they 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 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 that the Landlord has established a claim for rent arrears of \$200.00 based upon the undisputed testimony of the Landlord. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary order under section 67 for the balance due of \$250.00. 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 \$250.00.

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

