



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.

Both parties attended the hearing by conference call and gave undisputed testimony. 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 14, 2013 in person. The notice states that the Tenant failed to pay rent of \$950.00 that was due on December 1, 2013. There is a stated effective vacancy date of December 17, 2013.

At the outset of the hearing, the Tenant stated that he was aware of the details of Landlord's application and does not dispute them. The Tenant confirmed that he was served with a 10 day notice to end tenancy issued for unpaid rent as stated by the Landlord because he lost his job. The Tenant also confirmed in his direct testimony that he has not paid any rent as detailed by the Landlord's application and has not made any other rent payments as of the date of this hearing. The Tenant still occupies the rental unit.

The Landlord seeks an order of possession and a monetary order for unpaid rent. The Landlord states that he wishes to increase his monetary claim from \$1,600.00 (\$650.00 + \$950.00) to \$2,600.00 to include the unpaid rent of \$950.00 for January as the Tenant still occupies the rental unit and has not made any further rent payments

Analysis

I find based upon the undisputed testimony of both parties that the Landlord has established grounds that the Tenant was properly served with the 10 day notice. The Tenant has admitted in his direct testimony that no rent was paid as specified by the Landlord and that he was not disputing the Landlord's claims. The Tenant did not pay the rent owed within the allowed time frame nor did he file an application for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the Tenancy was at an end. The Landlord is granted an order of possession. The Tenant must be served with the order. 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 evidence of both parties that unpaid rent is established at \$2,550.00 (\$650.00 + \$950.00 + \$950.00). The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$2,600.00. 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 \$2,600.00.

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 15, 2014

Residential Tenancy Branch

