



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. Both parties have confirmed receipt of the notice of hearing package and the submitted documentary evidence. I am satisfied that both parties have been properly served with the notice of hearing package and the submitted documentary evidence.

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 and has failed to pay rent since October 2013 for \$750.00 up to and including the date of the hearing. The Tenant has confirmed in his direct testimony that monthly rent of \$750.00 has not been paid as stated by the Landlord. The Tenant states that he is not disputing the Landlord's claims and that he is ready to vacate the rental unit at the end of January 2014. Both parties confirmed that there is no signed tenancy agreement.

The Landlord seeks an order of possession and a monetary order for \$3,000.00 in unpaid rent. Unpaid rent is \$750.00 per month for 4 months from October to January.

Analysis

I accept the undisputed testimony of both parties and find that the Landlord did serve the Tenant with a 10 day notice to end tenancy issued for unpaid rent. Based upon the evidence of the Tenant, the Landlord has established that the Tenant failed to pay any rent since October 2013 until the date of this hearing. The Landlord is granted an order of possession. The order must be served upon the Tenant. Should the Tenant 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 grounds have been established by the Landlord based upon the Tenant's evidence that no rent has been paid for 4 months. The Tenant still occupies the rental unit as of the date of this hearing. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$3,050.00. 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 \$3,050.00.

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

