



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent, and to recover the filing fee.

The parties attended, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

At the outset of the hearing, neither party raised any issue regarding the service of the application or the evidence.

Thereafter both parties were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

*Preliminary matter*-The landlord submitted that the tenant vacated the rental unit in mid January 2014, and as a result, the landlord was no longer seeking an order of possession for the rental unit. I have excluded this request from further consideration.

### Issue(s) to be Decided

Is the landlord entitled to monetary compensation for unpaid rent and to recover the filing fee?

### Background and Evidence

The landlord gave undisputed evidence that this tenancy began on October 1, 2013, monthly rent was \$920, and a security deposit of \$460 was paid by the tenant at the beginning of the tenancy.

The landlord gave evidence that on December 2, 2013, the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), by leaving it with the tenant, listing unpaid rent of \$920 as of December 1, 2013. The effective vacancy date listed on the Notice was December 12, 2013.

The Notice informed the tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explained that alternatively the tenant had five days to dispute the Notice by making an application for dispute resolution.

The landlord stated that the tenant made two partial rent payments later in December, both in the amount of \$250, and as of the date of the hearing, the tenant owed \$1340 in unpaid rent through January 2014 as he remained in the rental unit through mid January.

I have no evidence before me that the tenant applied to dispute the Notice.

The tenant did not deny that he owed the unpaid rent as claimed by the landlord.

### Analysis

Based upon the landlord's undisputed evidence, I find the tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent, did not pay all the outstanding rent or file an application for dispute resolution in dispute of the Notice within five days of service. I further find that the landlord has proven that the tenant owed and failed to pay all rent due for December 2013 and January 2014, in a total amount of \$1340.

I therefore find that the landlord is entitled to a monetary award of \$1390 comprised of unpaid rent of \$1340 through January 2014, and the \$50 filing fee paid by the landlord for this application.

### Conclusion

The landlord's application has been granted.

The landlord has been granted a monetary award in the amount of \$1390.

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the amount of \$1390, which I have enclosed with the landlord's Decision.

Should the tenant fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenant.

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* and is being mailed to both the applicant and the respondent.

Dated: February 14, 2014

---

Residential Tenancy Branch

