



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.

At the beginning of the hearing, the landlord withdrew his claim for a monetary order and only seeks to obtain an order of possession and recovery of the filing fee. The tenant indicated that he understood and had no objections.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began on March 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$580.00 and a security deposit of \$290.00 was paid.

The landlord has provided documentary evidence that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated March 2, 2014 in person. The notice states that the tenant failed to pay rent of \$1,290.00 in rent that was due on March 1, 2014. The landlord clarified that these rent arrears consists of \$580.00 for March 2014, \$610.00 for February 2014 and \$100.00 for January 2014. The notice also displays an effective end of tenancy date of March 12, 2014. The landlord has

submitted a copy of a proof of service document which states that this notice was personally served upon the tenant with a witness and that the tenant signed the document in acknowledgment. The tenant confirmed this in his direct testimony and stated that he had lost his job and is trying to catch up with rent arrears.

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. The landlord has established grounds to obtain an order of possession. The tenant must be served with the order of possession. 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.

The landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary order under section 67 for \$50.00. 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 \$50.00.

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: April 29, 2014

Residential Tenancy Branch

