



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

The landlord provided affirmed testimony that on May 16, 2014 copies of the Application for Dispute Resolution and Notice of Hearing were personally given to the tenant, at the rental unit address. Service occurred at 9 p.m.

These documents are deemed to have been served on the day of personal delivery, in accordance with section 89 and 90 of the Act; however the tenant did not appear at the hearing.

Issue(s) to be Decided

Is the landlord entitled to an Order of possession for unpaid rent?

Is the landlord entitled to a monetary Order for unpaid rent?

Background and Evidence

The tenancy commenced in August 2013; rent is \$750.00 due on the 1st day of each month. Only a shelter agreement was completed, with a government ministry; a tenancy agreement was not signed

The landlord stated that a 10 day Notice ending tenancy for unpaid rent was given to the tenant, but the landlord does not have a copy of the Notice. Yesterday the tenant's brother left the keys to the unit in the mail box of the unit. The brother had been living in the unit and told the landlord the tenant moved out 1 week ago.

The landlord said that the tenant did not pay April or May 2014 rent owed. The landlord has claimed \$1,460.00 in compensation for unpaid rent.

Analysis

In the absence of a 10 day Notice to end tenancy, I find that the request for an Order of possession is dismissed. The landlord stated he has the keys to the unit.

In the absence of evidence to the contrary, I find that the tenant has not paid rent in the amount of \$1,460.00 for April and May 2014, and that the landlord is entitled to compensation in that amount.

I find that the landlord's application has merit and, pursuant to section 72 of the Act that the landlord is entitled to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$1,510.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent.

The landlord is entitled to filing fee costs.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: May 30, 2014

Residential Tenancy Branch

