



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This is a review hearing granted to the tenant for the landlord's application filed to obtain an order of possession and a monetary order for unpaid rent.

Both parties attended the hearing by conference call and gave testimony. As both parties have attended and have confirmed receipt of the notice of hearing package, 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

This tenancy began on September 1, 2013 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$1,000.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$500.00 was paid.

Both parties confirmed in their direct testimony that the landlord served the tenant with a 10 day notice to end tenancy issued for unpaid rent dated April 1, 2014 on April 2, 2014 in person. The notice shows that the tenant failed to pay rent of \$1,000.00 that was due on April 1, 2014 and an effective end of tenancy date of April 12, 2014.

The tenant states that he paid rent on April 1, 2014, but did not file an application for dispute resolution as he states that he went into the Residential Tenancy Branch Office and was told that he did not need to. The tenant relies on a copy of monthly rent payments where both parties signed in receipt of 7 rent payments from October 2013 to April 2014. The landlord disputes this stating that the signature for April 1, 2014 was a

mis-signed signature that was meant for March 2014 rent and that the tenant added this portion without their permission. The landlord points out that the signature is only a partial incomplete one and not like the others shown. The tenant also relies on a witness statement from L.F. dated April 22, 2014 which states that she was present on April 1, 2014 when the landlord attended and collected rent from the tenant. The letter also states that she witnessed the landlord sign in receipt of April rent. The tenant states that because of these ongoing issues that he now pays the landlord with a certified cheque and has been having problems receiving his mail. The tenant indicated that he would like to pick up his copy of the decision from the Victoria Residential Tenancy Branch Office.

### Analysis

I accept the evidence of both parties and find on a balance of probabilities that I prefer the evidence of the tenant over that of the landlord. Although the landlord has provided an alternate version as to the source of the signature for rent paid, I prefer the tenant's version in conjunction with the tenant's witness which supports his claim that rent was paid and that he is continuing to pay rent. In this case, I find that the landlord has failed to provide sufficient evidence to satisfy me that rent was not paid by the tenant for the notice dated April 1, 2014. As such, the landlord's application is dismissed.

### Conclusion

The landlord's application is dismissed.

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: June 03, 2014

---

Residential Tenancy Branch

