



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed testimony. The tenant did not attend or submit any documentary evidence. The landlord states that the tenant was served with the notice of hearing package in person on May 9, 2014. I accept the undisputed testimony of the landlord and find that the tenant was 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

The landlord states that there is a verbal tenancy agreement with the tenant, where he pays \$375.00 per month and that no security deposit was paid.

The landlord states that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated April 6, 2014 on the same date by personal service to the tenant. The notice states that the tenant failed to pay rent of \$1,415.00 that was due on April 6, 2014 and that utilities of \$180.00 is owed after a written demand was given on April 17, 2014. The notice states that the effective end of tenancy date is April 17, 2014. The landlord clarified that the tenant was not served with a written demand on April 17, 2014 or at any other time. The landlord stated that he misunderstood the requirements for the utilities, but states that the tenant still occupies the rental unit and has not paid any rent since the notice dated April 6, 2014 was served.

The landlord seeks an order of possession and a monetary order for \$2,165.00 in unpaid rent which consist of rent arrears that were due on April 6, 2014 of \$1,415.00, \$375.00 in unpaid rent for May and \$375.00 in unpaid rent for June.

Analysis

I accept the undisputed testimony of the landlord and find that the tenant was properly served with the notice to end tenancy dated April 6, 2014 in person on the same date. The tenant having received the notice failed to pay the rent owed within the allowed timeframe and has not filed an application for dispute resolution to dispute the notice. The tenant is conclusively presumed to have accepted that the tenancy was at an end. The landlord is granted an order of possession. This order must be served upon the tenant. 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.

As for the monetary claim, I find that the landlord has failed to comply with the Act by serving written notice of outstanding utilities to pay them. This portion of the landlord's claim is dismissed with leave to reapply.

I find based upon the undisputed testimony of the landlord that a claim of \$2,165.00 in unpaid rent has been established. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary order to the landlord for the balance due of \$2,215.00. 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 \$2,215.00.

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: June 26, 2014

Residential Tenancy Branch

