



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            OPR, MNR & FF

### Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The representative of the landlord testified she recently took over conduct of this matter. She testified she assumed a 10 day Notice to End Tenancy was served on the Tenant in early May but the person who would have served it is no longer with the company. Further, her records show that a 10 day Notice to End Tenancy was served on the tenant by posting on June 4, 2014 but again the person who served it was not available to give evidence. I determined the landlord has failed to prove that the Notice to End Tenancy was sufficiently served.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant by mailing, by registered mail to where the tenant resides on June 2, 2014. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on August 1, 2013 and end on July 31, 2014. The rent was \$1120 per

month payable on the first day of each month. The tenant paid a security deposit of \$560 at the start of the tenancy.

The tenant(s) failed to pay the rent when due. However, the rent for May was paid on May 29, 2014 and the rent for June was paid on June 5, 2014. The tenant has failed to pay the rent for July and the sum of \$1120. In addition the tenant owes \$25 for a NSF charge. The tenant(s) have remained in the rental unit.

Analysis - Order of Possession:

I dismissed the landlord's claim for an Order for Possession as the landlord was unable to provide sufficient proof that the Notice to End Tenancy was sufficiently served on the tenant.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of July and the sum of \$1120. In addition the tenant owes \$25 for a NSF charge for a total of \$1145. **I granted the landlord a monetary order in the sum of \$1145 plus the sum of \$50 in respect of the filing fee for a total of \$1195.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: July 10, 2014

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Residential Tenancy Branch

