



# 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 testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the landlord's submitted documentary evidence, I am satisfied that both parties have been properly served. The tenant did not submit any documentary evidence.

### 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 April 1, 2014 on a month to month basis as shown by the submitted copy of the signed tenancy agreement dated March 28, 2014. The monthly rent is \$625.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$312.50 was paid on April 1, 2014.

The landlord states that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated July 2, 2014 on the same date by posting it to the rental unit door with a witness. The notice states that the tenant failed to pay rent of \$1,500.00 that was due on July 1, 2014 and had an effective end of tenancy date of July 12, 2014. The tenant confirms that she received the 10 day notice to end tenancy dated July 2, 2014, but that she tried to pay the rent and the landlord refused to accept it. The landlord disputes this stating that the tenant is in arrears for May, June and July rent totalling, \$1,500.00.

### Analysis

I accept the evidence of both parties and find on a balance of probabilities that I prefer the evidence of the landlord over that of the tenant. The tenant has acknowledged receiving the 10 day notice dated July 2, 2014. The tenant is unable to provide sufficient evidence to satisfy me that she tried to pay rent within the allowed timeframe and that the landlord refused to accept rent. The tenant has also failed to apply for dispute resolution to dispute the notice to end tenancy. I find that the landlord has established grounds to end the tenancy for unpaid rent. The landlord is granted 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.

As for the monetary claim, I find based upon the undisputed evidence of both parties that rent of \$1,500.00 for May, June and July is outstanding as the tenant has confirmed that no rent has been paid in her direct testimony since the 10 day notice to end dated July 2, 2014 has been served. The landlord has established a monetary claim of \$1,500.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order for \$1,550.00. 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 \$1,550.00.

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: August 15, 2014

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Residential Tenancy Branch

