



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by one of the landlords and her translator.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on September 25, 2014 in accordance with Section 89. Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

In addition, I note that the tenant submitted a substantial amount of documentary and photographic evidence, including copies of the landlords' Application for Dispute Resolution and the call in instructions for this hearing, prior to the hearing. As such, I find the tenant was sufficiently aware of this hearing.

At the outset of the hearing the landlord confirmed the tenant had vacated the rental unit on or before September 30, 2014. As such, there is no longer a need for the landlord to obtain an order of possession. I amend the landlords' Application for Dispute Resolution to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to a monetary order for unpaid rent and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

The landlord testified the tenancy began as a month to month tenancy beginning in December, 2003 for the current monthly rent of \$700.00 due on the 10th of each month and a security deposit of \$300.00 was paid

The landlord provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on September 16, 2014 with an effective vacancy date of September 26, 2014 due to \$700.00 in unpaid rent.

Documentary evidence filed by the landlord indicates the tenant failed to pay the full rent owed for the month of September 2014 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent to an adult who appeared to be living in the rental unit on September 26, 2014 at 4:26 p.m. and that this service was witnessed by a third party.

The Notice states the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days. The landlord confirmed the tenant never paid any rent for the month of September.

Analysis

Based on the landlord's undisputed testimony and evidence I find the tenants failed to pay rent in the amount claimed by the landlord and that the tenants were obligated to do so in accordance with their tenancy agreement.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$750.00** comprised of \$700.00 rent owed and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: November 12, 2014

Residential Tenancy Branch

