



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF, CNR

### Introduction

There are applications filed by both parties. The landlord seeks an order of possession and a monetary order for unpaid rent and recovery of the filing fee. The tenants seek an order cancelling the notice to end tenancy for unpaid rent and recovery of the filing fee.

Both parties attended the hearing by conference call and gave undisputed testimony. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

During the hearing, both parties confirmed that the tenant has vacated the rental unit and has a new mailing address. As such, both files shall be updated with the tenant's new address.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Is the tenant entitled to an order cancelling the notice to end tenancy?

### Background and Evidence

This tenancy began on November 1, 2013 on a fixed term tenancy ending on October 30, 2014 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$1,750.00 payable on the 1<sup>st</sup> of each month and a security deposit of \$875.00 was paid on October 1, 2013.

Both parties confirmed that the landlord served the tenant with a 10 day notice to end tenancy issued for unpaid rent on October 2, 2014 which states that rent of \$1,750.00

was unpaid that was due on October 1, 2014. The notice displays an effective end of tenancy date of October 12, 2014.

Both parties confirmed that the tenant moved out on November 5, 2014 and that the landlord's request for an order of possession is no longer required. As such, no further action is required for this portion of the application.

The landlord states that the tenant has failed to pay rent for October 2014 of \$1,750.00. The tenant confirmed in her direct testimony that no rent was paid.

### Analysis

I accept the undisputed evidence provided by both parties and find that the landlord has properly served the tenant with a 10 day notice to end tenancy issued for unpaid rent. The tenant has acknowledged in her direct testimony that no rent was paid and that she vacated the rental unit on November 5, 2014. The landlord has established a claim for unpaid rent of \$1,750.00 for October 2014 rent. The landlord is also entitled to recovery of the \$50.00 filing fee. The landlord is granted a monetary order for \$1,800.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenant's application is dismissed having confirmed that rent for October 2014 was unpaid in her direct testimony.

### Conclusion

The landlord is granted a monetary order for \$1,800.00.  
The tenant'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: November 19, 2014

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Residential Tenancy Branch

