



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlord applied for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent, and for recovery of the filing fee paid for this application.

The landlord's agent (hereafter "landlord") attended; the tenant did not attend the telephone conference call hearing.

The landlord gave evidence that they served the tenant with the Application for Dispute Resolution and Notice of Hearing by leaving the documents with the tenant on November 19, 2014, when he came to the landlord's home.

Based upon the submissions of the landlord, I find the tenant was served notice of this hearing in a manner complying with section 89(1) of the Act and the hearing proceeded in the tenant's absence.

The landlord was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

*Preliminary matter*-The landlord submitted that the tenant vacated the rental unit on December 14, 2014, and as a result, the landlord was no longer seeking an order of possession for the rental unit. I have excluded this request from further consideration.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation and to recovery of the filing fee paid for this application?

Background and Evidence

The landlord's documentary evidence shows that this tenancy began on July 1, 2014, monthly rent is \$650, and a security deposit of \$325 was paid by the tenant at the beginning of the tenancy.

The landlord gave evidence that on November 11, 2014, the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), by leaving it with the tenant, listing unpaid rent of \$650 as of November 1, 2014.

The Notice informed the tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explained that alternatively the tenant had five days to dispute the Notice by making an application for dispute resolution.

The landlord stated that the tenant made a rent payment of \$650 on November 28, 2014, and as of the date of the hearing, the tenant owed \$650 in unpaid rent due on December 1, 2014.

I have no evidence before me that the tenant applied to dispute the Notice.

Analysis

Based upon the landlord's undisputed evidence, I find the tenant was served a 10 Day Notice to End Tenancy for Unpaid Rent, did not pay all the outstanding rent or file an application for dispute resolution in dispute of the Notice within five days of service on November 11, 2014. I further find that the landlord has proven that the tenant owed and failed to pay all rent due for November and December 2014, in a total amount of \$650, as claimed in their application.

I therefore find that the landlord is entitled to a monetary award of \$700 comprised of unpaid rent of \$650 through December 2014 and the \$50 filing fee paid by the landlord for this application.

Conclusion

The landlord's application has been granted.

The landlord has been granted a monetary award in the amount of \$700.

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the amount of \$700, which is enclosed with the landlord's Decision.

Should the tenant fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. The tenant is advised that costs of such enforcement are recoverable from the tenant.

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: December 16, 2014

---

Residential Tenancy Branch

