



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss, to keep all or part of the security deposit and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony. The tenant confirmed that no documentary evidence was submitted and that she had received the landlord's documentary evidence. As both parties have attended and 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, the landlord withdrew her application to keep the security deposit and part of her monetary claim for \$300.00 for a water bill.

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

Both parties confirmed their direct testimony that the landlord served the tenant with a 10 day notice to end tenancy issued for unpaid rent dated November 21, 2014 by posting it to the rental unit door on November 21, 2014. The landlord has also submitted a copy of a proof of service document that confirms this with a witness. The notice states that rent of \$1,050.00 was not paid by the tenant when it was due on

November 1, 2014. The notice also display an effective end of tenancy date of December 4, 2014. Both parties confirmed that tenant paid the November late rent with \$200.00 on December 3, 2014 and then again on December 12, 2014. Both parties confirmed that the landlord served the tenant with the notice of dispute resolution hearing notice package on December 11, 2014 in person. Both parties confirmed that the tenant has failed to pay any further rent since the notice to end tenancy was served.

The landlord seeks an order of possession and a monetary order for unpaid rent of \$2,100.00 which consists of \$1,050.00 for December 2014 and \$1,050.00 for January of 2015.

The tenant states that she had an agreement with the landlord to accept late rent payments and that the landlord would extend the tenancy. The landlord disputes this stating that the tenant has failed to pay rent and seeks an end to the tenancy.

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 admitted in her direct testimony that rent was paid late after the allowed time frame. The tenant has also failed to provide any evidence in support of the claim that the landlord would accept late rent payments and not seek an end to the tenancy.

I find that the tenant has been properly served with the notice to end tenancy dated November 21, 2014 in person on the same date. The tenant has admitted to failing to pay the rent owed within the allowed time frame and is conclusively presumed to have accepted that the tenancy was at an end. The landlord is granted an order of possession for unpaid rent. This order must be served upon the tenant. 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 that the landlord has established a claim for unpaid rent for December 2014 of \$1,050.00 and January of 2015 of \$1,050.00 totalling, \$2,100.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord be granted a monetary order for the balance due of \$2,150.00 under section 67 of the Residential Tenancy Act.

Conclusion

The landlord is granted an order of possession and a monetary order for \$2,150.00.

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: January 13, 2015

Residential Tenancy Branch

