



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Don Development Co. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR, MNR, MNDC, 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 and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed testimony. The tenant did not attend or submit any documentary evidence. The landlord submitted a copy of the 10 day notice to end tenancy dated December 20, 2014. The landlord states that the tenant was personally served with the notice of hearing package the submitted documentary evidence on January 12, 2015 with a witness.

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

The landlord states that the tenant has failed to pay rent and utilities for 3 months totalling, \$2,600.00 which was due on January 1, 2015. This consists of unpaid rent of \$200.00 for October 2014, \$800.00 for November 2014, \$800.00 for December 2014 and \$800.00 for January 2015. Utilities are for \$162.25 for the period October 2014 to January 2015.

The landlord states that a 10 day notice to end tenancy issued for unpaid rent and utilities dated December 20, 2014 was served on the tenant by posting it on the rental unit door. The notice states that the tenant failed to pay rent of \$1,800.00 that was due on December 1, 2014 and \$162.25 for utilities which the tenant failed to pay after written demand was given on December 1, 2014. The notice displays an effective end of tenancy date of December 30, 2014.

During the hearing the landlord stated in his direct testimony that no written demand for utilities was given to the tenant. The landlord states that as of the date of this hearing the tenant is still occupying the rental unit and has not given any notice of returned the rental unit keys. The landlord states that he can still see the tenant's furniture and personal items in the rental unit.

Analysis

I accept the undisputed testimony of the landlord and find that the tenant was properly served with a 10 day notice to end tenancy issued for unpaid rent on December 20, 2014 by posting it to the rental unit door. The landlord has given direct testimony that the tenant did not pay any rent since the notice dated December 20, 2014 was served.

I find that the tenant is deemed to have accepted that the tenancy was at an end as the tenant has failed to pay all of the rent owed nor has the tenant filed an application for dispute resolution to dispute the notice. The landlord is granted an order of possession. The 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 based upon the undisputed testimony that the landlord has established a claim for unpaid rent of \$2,600.00, which consists of arrears of \$200.00 for October, \$800.00 for November, \$800.00 for December and \$800.00 for January.

On the landlord's claim for utilities of \$162.25, I find that the landlord has not been successful. Based upon the landlord's direct testimony no written demand for utilities was made as per the 10 day notice to end tenancy dated December 20, 2014, nor has the landlord provided any supporting evidence of owed utilities. This portion of the landlord's claim is dismissed.

The landlord is entitled to recovery of the \$50.00 filing fee. The landlord is granted a monetary order for \$2,650.00. 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 \$2,650.00.

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 29, 2015

Residential Tenancy Branch

