



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent and recovery of the filing fee.

Both parties attended the hearing by conference call and gave undisputed testimony. The tenant confirmed receipt of the notice of hearing package and the landlord's submitted documentary evidence. The tenant did not submit any documentary evidence.

### 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 was served with a 10 day notice to end tenancy issued for unpaid rent dated December 26, 2014 which states that the tenant failed to pay rent of \$350.00 that was due on December 15, 2014 and displays an effective end of tenancy date of January 8, 2015. The tenant confirmed receipt of the 10 day notice to end tenancy issued for unpaid rent dated December 26, 2014.

At the outset of the hearing, the landlord stated that the tenant was now only in arrears for rent of \$275.00 for the period January 15 to 31, 2015. The tenant confirmed this in her direct testimony.

The landlord states the he now only seeks an order of possession and a monetary order for unpaid rent of \$275.00.

### Analysis

I accept the undisputed evidence of both parties and find that the landlord has established that the tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated December 26, 2014. The tenant is conclusively presumed to have accepted that the tenancy was at an end. The tenant confirmed in her direct testimony that rent was not paid within the allowed timeframe. The landlord confirmed payment of rent arrears prior to the scheduled hearing date. Both parties confirmed that the tenant was now in arrears for \$275.00 as of the date of this hearing.

The landlord is granted an order of possession. The tenant must be served with the order of possession. 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 direct testimony of both parties that the landlord has established a claim for unpaid rent of \$275.00 as confirmed by the tenant's direct testimony. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the balance due of \$325.00. This order may be filed in the Small Claims Division of the Provincial Court of British Columbia and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$325.00.

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

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Residential Tenancy Branch

