



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, OPR, FF, CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on a Notice to End Tenancy for Unpaid Rent dated January 7, 2015 and the tenant's written Notice to vacate the rental unit effective January 31, 2015. In addition, the landlord seeks a monetary order for unpaid rental arrears.

The hearing was also convened to deal with an application by the tenant seeking an order to cancel the Ten Day Notice to End Tenancy for Unpaid Rent .

The landlord was in attendance. Although served with the Notice of Hearing in person on January 17, 2015, nobody for the tenant appeared. As the tenant failed to appear the tenant's application is dismissed without leave to reapply. The hearing proceeded with respect to the landlord's cross application

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to monetary compensation for rental arrears owed?

Background and Evidence

A copy of the 10-Day Notice to End Tenancy dated January 7, 2015, a copy of a written Notice signed by the tenant with a move-out date of January 31, 2015, a copy of the tenancy agreement, copies of communications and copies of returned cheques were submitted into evidence.

The landlord testified that the tenancy began December 24, 2014, at which time the tenant provided cheques for the security deposit and January rent. The landlord testified that the cheques submitted by the tenant were returned N.S.F. On January 7, 2015 the landlord served the tenant in person with the 10 Day Notice to End Tenancy.

The landlord testified that the tenant did not pay the arrears, did not vacate the unit and also failed to pay rent of \$1,200.00 February 2015. The landlord testified that the tenant

is now \$1,400.00 in arrears. The landlord has requested an Order of Possession and a monetary order for rent owed.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent in person. The tenant also gave the landlord a written Notice to vacate effective January 31, 2015. Based on the above facts I find that the landlord is entitled to an Order of Possession.

I find that the landlord has established a total monetary claim of \$2,450.00 comprised of \$1,200.00 rent for January, \$1,200.00 rent owed for February 2015 and the \$50.00 fee paid by the landlord for this application.

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$2,450.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

The tenant's application is dismissed in its entirety without leave to reapply.

Conclusion

The tenant's application is dismissed and landlord is successful in the cross application and is granted an Order of Possession and a monetary order for rental arrears.

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: February 03, 2015

