



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution by Direct Request seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord.

The landlord testified the tenant was not served with the notice of hearing documents because she had vacated the rental unit prior to receipt of the Interim Decision and notice of participatory hearing documents. However, I note that the tenant had previously been served with the Notice of Dispute Resolution by Direct Request proceeding documents and as such, I find the tenant was sufficiently aware of the landlord's claim against her.

I also find that the as the tenant had vacated the rental unit the landlord is no longer in need of an order of possession and therefore, I amend the landlord's Application to exclude the matter of possession.

As a result and pursuant to Section 71(2)(c) of the *Residential Tenancy Act (Act)* I find the tenant has been sufficiently served with documents outlining the case against her for the non-payment of rent for the month of February 2015.

The landlord originally submitted an Application for Dispute Resolution by Direct Request which was adjudicated by a different Arbitrator. In her decision dated February 10, 2015 that Arbitrator wrote that she could not determine if the person the landlord served the 10 Day Notice to End Tenancy was an adult who apparently resides with the tenant. As such, that Arbitrator adjourned the matter to be heard at this participatory hearing.

While the landlord did not provide any additional evidence for this hearing, I note that I find that there is sufficient detail in the landlord's original Application for Dispute Resolution by Direct Request to establish that the person the 10 Day Notice was served to do is an adult residing with the tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on November 23, 2014 for a 2 year and 1 month fixed term tenancy beginning on December 1, 2014 for the monthly rent of \$1,750.00 due on the 1st of each month and a security deposit of \$875.00 was paid; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on January 23, 2015 with an effective vacancy date of February 2, 2015 due to \$1,750.00 in unpaid rent.

Documentary evidence filed by the landlord indicates the tenant failed to pay the full rent owed for the month of January 2015 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by leaving it with an adult who apparently resides with the tenant on January 23, 2015 at 11:55 a.m. and that this service was witnessed by a third party.

The Notice states the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days.

Analysis

Based on the landlord's undisputed evidence and testimony I find the landlord has established the tenant had failed to pay rent for the month of February 2015.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$1,750.00** comprised of rent owed.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: March 11, 2015

Residential Tenancy Branch

