



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 an order of possession and a monetary order for unpaid rent and utilities. The landlord and one tenant participated in the teleconference hearing.

The tenant stated that his name on the application was incorrect. The landlord acknowledged that there was a spelling mistake. I accordingly corrected the tenant's name in the style of cause.

At the outset of the hearing, the tenant confirmed that he had received the landlord's application. Both parties were given full opportunity to give affirmed testimony. I have reviewed all relevant testimonial evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenancy began on January 1, 2015. The landlord stated that on April 3, 2015 he served the tenant with a notice to end tenancy for unpaid rent or utilities, by posting the notice on the rental unit door. The tenant stated that he received no such notice. The landlord did not submit a copy of the notice or any other evidence to confirm that the notice was served on the tenant.

The landlord stated that at the time of the hearing the tenant owed money for unpaid rent and utilities. The tenant stated that his rent was paid up, aside from rent for June 2015, and between February and May 2015 he has paid the landlord \$800 in hydro. The

landlord did not submit any bills or other evidence to support the monetary portion of his claim.

Analysis

I accept the tenant's evidence that he did not receive the notice to end tenancy for unpaid rent. The landlord did not provide sufficient evidence to show that he served a notice as he stated. I therefore dismiss the portion of the landlord's application regarding an order of possession pursuant to the notice to end tenancy for unpaid rent.

The landlord did not provide sufficient evidence to clearly show what rent or utilities may be outstanding. However, it appears that the tenant may owe some outstanding rent or utilities, and I therefore dismiss the landlord's monetary claim with leave to reapply.

Conclusion

The application for an order of possession is dismissed. The tenancy will continue until such time as it ends in accordance with the Act.

The application for monetary compensation is dismissed with leave to reapply.

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: June 5, 2015

Residential Tenancy Branch

