



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kitsilano Management Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

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

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on May 5, 2015.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing I questioned the landlord's agent MJ as to whether or not any evidence had been provided to the Residential Tenancy Branch in support of their Application. MJ confirmed that he did not submit the Application but rather it was submitted by another agent CL.

I called CL into the hearing and confirmed by her testimony that the only evidence submitted to the Residential Tenancy Branch was a copy of a letter dated October 13, 2015 confirming the rental arrears still owed by the tenant to be in the amount of \$1,875.00 but that a copy of the 10 Day Notice to End Tenancy was not submitted into evidence.

### Issue(s) to be Decided

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

### Background and Evidence

The landlord submitted into evidence a copy of a letter dated October 13, 2015 outlining the tenancy began on June 15, 2015 for a monthly rent of \$750.00 due on the 1<sup>st</sup> of each month.

The letter confirms the tenant failed to pay ½ month's rent for August 2015 and the full rent for the months of September and October 2015.

### Analysis

Based on the undisputed evidence and testimony of the landlord's agents I find the tenant has failed to pay rent in the amount of \$1,875.00 for the months of August, September and October 2015.

As the landlord has failed to provide a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or any other Notice to End Tenancy allowed under the *Act*, I dismiss the landlord's Application for an order of possession.

### Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$1,875.00** 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: October 19, 2015

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Residential Tenancy Branch

