



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

Tenant's application: CNR, FF

Landlord's application: OPR, MNR

### Introduction

This was a hearing with respect tot application by the tenant and the landlord. The tenant applied to cancel a 10 day Notice to End Tenancy for unpaid rent. The landlord applied for an order of possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord and the tenant called in and participated in the hearing

### Issue(s) to be Decided

Should the Notice to End Tenancy dated July 9, 2016 be cancelled?

Is the landlord entitled to an order of possession pursuant to the Notice?

Is the landlord entitled to a monetary award for unpaid rent and if so, in what amount?

### Background and Evidence

The rental unit is a strata title apartment in Langley. The tenancy began on October 1, 2013 for a one year term and thereafter on a month to month basis. The monthly rent is \$1,000.00, payable on the first of each month. The tenant pad a security deposit of \$500.00 on September 25, 2013.

The landlord testified that the tenant was in arrears of rent before July 1, 2016. The tenant failed to pay July rent when it was due. The total amount outstanding inclusive of July rent was the sum of \$3,000.00. The landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent dated July 9, 2016 by posting it to the door of the

rental unit. The tenant filed an application to dispute the Notice to End Tenancy on July 14, 2016. At the hearing the tenant acknowledged that he has not paid rent for July or for August. He said that he was planning to move out of the rental unit at the end of August. The tenant said that he did not believe the rental arrears were as great as stated by the landlord, but he did not submit any documentary evidence to set out what he claimed had been paid for rent and he did not submit his own calculation of rental arrears.

The landlord submitted a worksheet setting out shortfalls in rent payments since March 2015 showing an amount due as of July 1, 2016 of \$3,000.00. The landlord requested that the Notice to End Tenancy be upheld; that an order of possession be granted and that the landlord be allowed to claim unpaid rent including rent for August as well as the filing fee for his application. The landlord requested that the tenant's security deposit be applied to the outstanding amount.

### Analysis

The tenant acknowledged that he has failed to pay rent for July and August and will move out of the rental unit within the next four days. The tenant has not submitted any documents to set out his version of the history of rent payments and in the absence of any contradictory documentary evidence from the tenant, I accept the landlord's documents and evidence as establishing that the rental amount now outstanding, inclusive of August rent is the sum of \$4,000.00. The tenant acknowledged that August rent is unpaid and I grant the landlord's request to amend the application to include a claim for August rent as well as the filing fee for his application.

The tenant has not established that there is any basis to cancel the Notice to End Tenancy for unpaid rent and I dismiss his application without leave to reapply. I grant the landlord an order of possession pursuant to the 10 day Notice to End Tenancy effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that court.

The landlord has established a claim for unpaid rent in the amount of \$4,000.00, inclusive of August rent. The landlord is entitled to recover the \$100.00 filing fee for his application, for a total award of \$4,100.00. I order that the landlord retain the \$500.00 security deposit that he holds in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$3,600.00. This order may be registered in the Small Claims Court and enforced as an order of that court.

Conclusion

The tenant's application has been dismissed the landlord has been granted an order of possession and a monetary order in the amount stated.

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: August 26, 2016

---

Residential Tenancy Branch