



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, OPR, MNR, O

### Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the Residential Tenancy Act (the “Act”).

The Landlord filed her Application requesting an order of possession due to unpaid rent, and a monetary order for unpaid rent.

The Tenant filed his Application to cancel a Notice to end tenancy for unpaid rent or utilities.

The Landlord appeared at the hearing; however, the Tenant did not. The Landlord testified that she served the Notice of Hearing on the Tenant on September 13, 2016. The Landlord provided affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Issues to be Decided

- Did the Tenant pay the rent and should the Notice be cancelled?
- Is the Landlord entitled to an order of possession for unpaid rent?
- Is the Landlord entitled to the monetary relief sought for unpaid rent?

### Background and Evidence

The Landlord testified that the tenancy began in March 2016, as a month to month tenancy. Rent in the amount of \$700.00 is due on the first day of the month.

The Landlord testified that the Tenant did not pay all the rent that was due on July 1, 2016. The Landlord testified that she issued a 10 Day Notice To End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice) on August 9, 2016. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

The Landlord testified that she has not received any payments from the Tenant towards the unpaid rent since issuing the 10 Day Notice.

The Tenant disputed the 10 Day Notice but failed to appear at the hearing.

The Landlord testified that the Tenant owes her rent for the following months:

- July 2016                 \$700.00
- August 2016            \$700.00
- September 2016       \$700.00
- October 2016           \$700.00

The Landlord is requesting an order of possession and a monetary order in the amount of \$2,800.00 for unpaid rent.

### Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant did not pay the outstanding rent within five days of receiving the Notice.

The Tenant did not appear at the hearing and the Tenant's application is dismissed.

I find that the Landlord is entitled to an order of possession, pursuant to section 55 of the Act, 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 Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

I find that the Tenant owes the Landlord \$2,800.00 for unpaid rent.

I grant the Landlord a monetary order in the amount of \$2,800.00. This monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

### Conclusion

The Tenant failed to attend the hearing and did not to pay the rent within five days of receiving the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated August 9, 2016.

The Landlord is granted an order of possession effective 2 days after service on the Tenant and I grant the Landlord a monetary order for unpaid rent in the amount of \$2,800.00.

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 03, 2016

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Residential Tenancy Branch