



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Barafield Realty Ltd. and Gateway Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed direct testimony. The tenant did not attend or submit any documentary evidence. The landlord states that the tenant was served with the notice of hearing package by Canada Post Registered Mail on June 24, 2014 and has provided the Customer Receipt Tracking number in his direct testimony as confirmation.

The landlord stated that that he sent via fax to the Residential Tenancy Branch his documentary evidence package, but was advised that there is no such package in the file and that there is no record of the documentary evidence in the RTB database. The hearing proceeded with the landlord providing undisputed direct testimony for his application.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

### Background and Evidence

The landlord stated that this tenancy began on March 1, 2014 and that there was a signed tenancy agreement which states that the monthly rent was \$875.00 payable on the 1<sup>st</sup> of each month and that a security deposit of \$437.50 was paid.

The landlord states that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated June 4, 2014 on the same date by posting it on the rental

unit door. The notice states that the tenant failed to pay \$920.00 that was due on June 1, 2014 and that there was an effective end of tenancy date of June 17, 2014.

The landlord states that the tenant failed to pay any rent or file an application for dispute resolution within the allowed timeframe. The landlord states that the tenant vacated the rental unit on July 15, 2014 and no longer requires an order of possession. The landlord now seeks a monetary claim of \$1,750.00 consisting of unpaid rent for June and July 2014.

### Analysis

I accept the undisputed evidence of the landlord and find that the tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated June 4, 2014. The tenant has failed to pay the amount owed within the allowed timeframe nor did she make an application for dispute resolution to dispute the notice. The tenant vacated the rental unit on July 15, 2014 and as such no further action is required for possession of the rental unit.

As for the monetary claim, I find based upon the undisputed evidence of the landlord that the tenant failed to pay rent for June of \$875.00 and overheld the rental unit until July 15, 2014. The landlord has also established a claim for unpaid rent for July 2014 of \$875.00. The landlord has established a total monetary claim of \$1,750.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary order under section 67 for the balance due of \$1,800.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted a monetary order for \$1,800.00.

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: August 19, 2014

