



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT, OPR, FFL

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date by way of conference call concerning applications made by the tenant and by the landlord. The tenant has applied for an order cancelling a notice to end the tenancy for unpaid rent or utilities and to recover the filing fee from the landlord for the cost of the application. The landlord has applied for an Order of Possession for unpaid rent or utilities and to recover the filing fee from the tenant.

The landlord attended the hearing, gave affirmed testimony and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant joined the call. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The landlord testified that the tenant was served with the hearing package by registered mail on November 10, 2020, which was refused by the tenant, and a copy of the refused and returned envelope has been provided as evidence for this hearing. I am satisfied that the tenant has been served.

During the course of the hearing the landlord advised that the property has sold, and the landlord withdraws the application for an Order of Possession.

Issues to be Decided

Has the landlord established a monetary claim as against the tenant for unpaid rent?

Background and Evidence

The landlord testified that the landlord purchased the rental property about 12 years ago and the tenant was already residing in the rental unit at that time. There is no written tenancy agreement and no security deposit or pet damage deposit was collected. Rent

in the amount of \$725.00 was payable on the 1st day of each month. The rental unit is a manufactured home on a 5 acre property.

The landlord further testified that the tenant failed to pay rent when it was due in October, 2020 and the landlord served a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities on October 5, 2020 by posting it to the door of the rental unit. A copy has been provided for this hearing and it is dated October 5, 2020 and contains an effective date of vacancy of October 15, 2020 for unpaid rent in the amount of \$725.00 that was due on October 1, 2020. The tenant has not paid the rent, and arrears have accumulated to \$1,450.00 for October and November's rent. The landlord seeks a monetary order of \$1,450.00 as well as recovery of the \$100.00 filing fee.

Analysis

I have reviewed the evidentiary material of the parties and considering the undisputed testimony of the landlord, I find that the tenant is in arrears of rent the sum of \$1,450.00 for the months of October and November, 2020.

Since the landlord has been partially successful with the application, the landlord is also entitled to recovery of the \$100.00 filing fee.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety without leave to reapply.

I hereby grant a monetary order in favour of the landlord as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$1,550.00.

This order is final and binding and may be enforced.

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: December 21, 2020

Residential Tenancy Branch