



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **Decision**

**Dispute Codes:** OPR, MNR, FF

## **Introduction**

This hearing dealt with the landlord's application for an order of possession, a monetary order as compensation for unpaid rent, and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

## **Issues to be decided**

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to a monetary order under the Act

## **Background and Evidence**

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began in March 2008. Rent in the amount of \$400.00 is payable on the first day of the month.

Arising from unpaid rent for the month of June 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 5, 2009. The notice was served by posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenant failed to pay rent for June, July or August 2009.

## **Analysis**

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent

dated June 5, 2009. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$1,325.00. This is comprised of \$1,200.00 in unpaid rent for 3 months (3 x \$400.00), \$75.00 in fees for late payment of rent (3 x \$25.00), in addition to recovery of the \$50.00 filing fee for this application. I therefore grant the landlord a monetary order under section 60 of the Act for \$1,325.00.

### **Conclusion**

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 60 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$1,325.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 20, 2009

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Dispute Resolution Officer