

## **Decision**

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

### **Introduction**

This hearing dealt with an application from the landlord for an order of possession, a monetary order as compensation for unpaid rent, and recovery of the filing fee. The landlord 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 any or all of the above under the Act

### **Background and Evidence**

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on January 15, 1999. Currently, rent in the amount of \$635.00 is payable in advance on the first day of each month. A security deposit was not collected.

Arising from several months during which rent was not fully paid, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 8, 2009. The notice was served on the tenant by way of regular mail. A copy of the notice was submitted into evidence. Subsequently, the tenant has made no payment towards rent.

### **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 October 8, 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 46(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 \$5,772.50. This is comprised as follows:

\$3,270.00 – all overdue rent up to October 1, 2009

\$ 817.50 – November 2009 (\$635.00 for current rent + \$182.50, the agreed upon installment towards rental arrears)

\$ 817.50 – December 2009 (as above)

\$ 817.50 – January 2010 (as above)

\$ 50.00 – filing fee

Total: \$5,772.50

I therefore grant the landlord a monetary order under section 67 for \$5,772.50.

### **Conclusion**

Pursuant to 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 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$5,772.50**. 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: January 15, 2010

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Dispute Resolution Officer