

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing was convened by way of conference call to deal with an application by the landlord for an Order of Possession, a monetary order for unpaid rent and to recover the filing fee from the tenant for the cost of this application. Despite having been served with the application for dispute resolution and notice of hearing by Registered Mail on March 26, 2010, the tenant did not participate in the conference call hearing.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The tenancy began on April 16, 2009. Rent in the amount of \$550.00 is payable in advance on the 16th day of each month. At the outset of the tenancy, the landlord did not collect a security deposit from the tenant.

The tenant failed to pay rent in the months of June, July and August 2009 and on August 17, 2009 the landlord served the tenant with a notice to end tenancy for non-payment of rent, however the notice was incomplete and the landlord felt it was therefore unenforceable.

The tenant further failed to pay rent in the months of September, 2009 through April, 2010, and on February 24, 2010 the landlord served the tenant with another 10 Day Notice to End Tenancy for Unpaid Rent or Utilities by posting it to the door of the residence. The landlord testified that he has still not received any rent money from the tenant, and the total arrears to date are for 11 months of unpaid rent which amounts to \$6,050.00.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Conclusion

Based on the above facts I find that the landlord is entitled to an Order of Possession. The tenant must be served with the Order of Possession. 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.

As for the monetary order, I find that the landlord has established a claim for \$6,050.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$6,100.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: May 07, 2010.

Dispute Resolution Officer