

## **DECISION**

### **Dispute Codes:**

OPR, MNR, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided a receipt dated May 28, 2010 for the registered mail and the associated tracking number. The landlord claims it was returned as unclaimed. I note that failure or neglect to accept or pick up registered mail does is not a ground for Review under the Act. I find that the Tenant has been served in accordance with the Act.

The landlord was given full opportunity to be heard, to present evidence and to make submissions. The landlord advised the tenant vacated June 30, 2010.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid?

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on February 1, 2010. Rent in the amount of \$575 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of

May 2010 and on May 19, 2010 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of June 2010. The quantum of the landlord's monetary claim is for **\$1150**.

### **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 and I find the notice to be valid. 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 and that the rent has not been paid.

I find that the landlord has established a monetary claim for **\$1150** in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee, for a total entitlement of **\$1200**.

### **Conclusion**

**I grant** the landlord an order under Section 67 of the Act for the amount of **\$1200**. If necessary, 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*.