

Decision

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord 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 any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on November 1, 2009. Rent in the amount of \$750.00 is payable in advance on the first day of each month. There is no evidence of a security deposit having been collected.

Arising from rent which was unpaid over several months, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 11, 2010. The notice was served by registered mail. A copy of the notice was submitted into evidence. Subsequently, the tenant made no payment toward rent and continues to reside in the unit.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and the affirmed / 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 March 11, 2010. 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 \$6,800.00, calculated as follows:

\$7,500.00: unpaid rent from November 2009 to August 2010 (10 x \$750.00)

\$50.00: filing fee

Sub-total: \$7,550.00

Minus a credit in favour of the tenant of \$750.00;

Total: \$6,800.00 (\$7,550.00 - \$750.00)

Conclusion

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 **\$6,800.00**. This order may be served on the tenant and, should it be necessary, filed in the Small Claims Court and enforced as an order of that Court.

DATE: August 3, 2010

Dispute Resolution Officer

