

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The tenant did not appear at the hearing. The landlord appeared at the hearing, was given a full opportunity to be heard, to present evidence and to make submissions. The landlord's building manager testified that she posted the 10 Day Notice to End Tenancy for Unpaid Rent on the tenant's door on June 7, 2010. The landlord testified that he sent the tenant the application for dispute resolution on June 22, 2010 and the amended application on July 7, 2010. He said that he sent both applications by registered mail and provided the Canada Post Tracking Numbers for these mailings. The landlord's building manager testified that he gave the tenant a copy of the evidence package on June 17, 2010. I am satisfied that the landlord has served all of these documents in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession? Is the landlord entitled to a monetary order for unpaid rent? Is the landlord entitled to recover the filing fee for this application?

Background and Evidence

He testified that the tenant commenced leasing the rental premises on or about September 1, 2006. The landlord testified that his company assumed responsibility for managing the tenant's rental premises on June 1, 2010. The landlord only has information relating to the tenant's non-payment of \$857.00 in monthly rent owing for each of June 2010, July 2010 and August 2010. The landlord asked for an Order of Possession based on the tenant's failure to pay rent for June 2010. The landlord requested a monetary order in the amount of \$2,571.00 for the three months of unpaid rent since June 2010. The landlord also asked for recovery of his filing fee.

Analysis

Order of Possession

The tenant failed to pay the June 2010 rent within five days of receiving the 10 Day Notice to End Tenancy. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenant's failure to take either of these actions within five days led to the end of his tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by June 20, 2010. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Monetary Order for Rental Arrears

I find that the landlord is entitled to receive an order for unpaid rent for June, July and August 2010 in the amount of \$2,571.00. As the landlord has been successful in his application, I include the landlord's request for recovery of his \$50.00 filing fee for this application.

Conclusion

I grant the landlord a 2 day Order of Possession. I grant a monetary order in the landlord's favour as follows.

Item	Amount
Unpaid June 2010 Rent	\$857.00
Unpaid July 2010 Rent	857.00
Unpaid August 2010 Rent	857.00
Recovery of Filing Fee for this application	50.00
Total Monetary Award	\$2621.00

The landlord is provided with the Orders of Possession in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.