



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes            OPR, MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord to obtain an Order of Possession, a Monetary Order for unpaid rent, and to recover the cost of the filing fee.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*. The landlord gave affirmed testimony that the tenants were served by her in person on July 15, 2010 with the hearing documents.

The landlord appeared, gave affirmed testimony, was provided the opportunity to present her evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issues(s) to be Decided

- Is the landlord entitled to an Order of Possession based on the 10 Day Notice for unpaid rent?
- Is the landlord entitled to a Monetary Order to recover unpaid rent?

### Background and Evidence

This month to month tenancy started on June 01, 2010. The monthly rent is \$1,200.00 per month and is due on the first of each month. The tenant failed to pay a security deposit as requested by the landlord.



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The landlord testifies that the tenant did not pay rent for July, 2010 on the day it was due. The landlord issued a 10 Day Notice to End Tenancy for unpaid rent on July 04, 2010. This was handed to the tenant on July 04, 2010 with a witness and a certificate of service has been provided by the landlord. The Notice states the tenant had five days to either pay the outstanding rent, apply for Dispute Resolution or the tenancy would end on July 04, 2010.

The tenant did not pay the outstanding rent or dispute the Notice within five days. Since that time the tenant has not paid rent for August, 2010 of \$1, 200.00. At this time the tenant owes a balance of unpaid rent to a total sum of \$2,400.00.

The landlord requests an Order of Possession to take effect as soon as possible and seeks to recover her \$50.00 filing fee from the tenant.

## Analysis

The tenant did not appear at the hearing, despite having been sent a Notice of the hearing; therefore, in the absence of any evidence from the tenant, I find that the landlord has established her claim for unpaid rent for July and August, 2010 to the sum of **\$2,400.00**.

As the landlord has been successful in this matter, she is also entitled to recover the **\$50.00** filing fee for this proceeding

The landlord will receive a monetary order pursuant to sections 67 and. 72(1) of the *Act* for the balance owing as follows:

Outstanding rent for July and August, 2010	\$2,400.00
<b>Total amount due to the landlord</b>	<b>\$2,450.00</b>

I have reviewed all documentary evidence and accept that the tenant has been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on July 04, 2010 and the effective date of the notice is amended to



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July 14, 2010 pursuant to section 53 of the *Act*. Based on the foregoing, I find that the tenant is conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

## Conclusion

I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$2,450.00**. The order must be served on the tenant and is enforceable through the Provincial Court as an order of that Court.

I HEREBY ISSUE an Order of Possession in favour of the landlord effective **two days** after service on the tenant. This order must be served on the tenant and may be filed in the Supreme 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: September 01, 2010.

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Dispute Resolution Officer