

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application by the Landlord for an order of possession resulting from a 10 day notice to end tenancy. The Landlord is seeking a monetary order for unpaid rent and the recovery of the filing fee.

The Landlord attended by conference call and gave undisputed testimony as the Tenant did not attend and has not filed any evidence.

Issues(s) to be Decided

Is the Landlord entitled to an order of possession?

Has the Landlord shown that the Tenant has failed to pay rent?

Background and Evidence

This tenancy began on August 1, 2010 on a fixed term tenancy until December 31, 2010. The monthly rent is \$597.00 payable on or before the 1st of each month. A 10 day notice to end tenancy was served on the Tenant on September 10, 2010 by posting it on the door of the rental unit. The hearing documents were served 2 ways. Once by registered mail sent on September 22, 2010 and were received on October 15, 2010 and the other by personal service by the Landlord's agent on October 13, 2010. The Landlord's evidence shows that the Tenant was in partial rent arrears in August for \$143.09 and rent arrears for September and October of \$597.00 each totalling, \$1,194.00. As of the hearing date, the Landlord states that the Tenant has made another partial payment \$700.00 for use and occupancy only. The outstanding arrears now total, \$637.09.

Analysis

I am satisfied that the 10 day notice to end tenancy was properly served and that the Tenant has not filed an application for dispute resolution within the 5 days allowed. As such, the Tenant is presumed to accept the notice to end tenancy. I also find that the hearing documents were properly served and the Tenant had sufficient to participate. Based upon the undisputed facts of the Landlord 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.

The Landlord has satisfied me on the rent arrears totalling \$637.09 and has established a claim. 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 \$687.09. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$687.09.

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*.