

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

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

The Landlord appeared by conference call and gave undisputed affirmed testimony. The Tenant did not attend. The Landlord stated at the beginning of the hearing that an order of possession is no longer being sought as the Tenant has vacated the rental unit.

### Issues(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent and utilities?

### Background and Evidence

This tenancy began on July 1, 2009 on a month to month basis with a \$475.00 monthly rent payable on the 1<sup>st</sup> of each month. The Landlord has filed a 10 day notice to end tenancy for unpaid rent of \$825.00 and unpaid utilities of \$288.50. This notice was served two ways, posting on the door and by personally serving it on an adult occupant of the rental unit on October 4, 2010 with a move out date of October 14, 2010. The Landlord states that the hearing documents were served in person on October 22, 2010. A \$350.00 payment was made to the Landlord in the interim awaiting the hearing date of this application. The Landlord states that the current arrears for October rent is \$475.00 and the unpaid utilities at \$288.50.

Analysis

Based upon the undisputed testimony of the Landlord, I am satisfied that the Landlord properly served the Tenant with the 10 day notice to end tenancy for unpaid rent. I am further satisfied that the Landlord has made out his claim for unpaid rent of \$475.00 and utilities for \$288.50. I find that the Tenant was properly served with the hearing documents and as such award a claim of \$763.50 for the unpaid rent and utilities. 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 of \$813.50. 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 a monetary order for \$813.50.

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: November 15, 2010.

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Dispute Resolution Officer