

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

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

The Landlord attended by conference call and gave undisputed affirmed testimony. The Tenant did not attend.

Issues(s) to be Decided

Is the Landlord entitled to an order of possession for unpaid rent?

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

Background and Evidence

This tenancy began on August 20, 2010 on a fixed term for 6 months until February 28, 2011 as shown in the signed tenancy agreement submitted into evidence by the Landlord. The monthly rent is \$1,500.00 payable by the 1st of each month and a security deposit of \$750.00 was paid on August 18, 2010.

The 10 day notice to end tenancy was served on October 13, 2010 by posting it on the door of the rental unit. The hearing documents were served on October 27, 2010 by registered mail. The Landlord states that the registered mail was returned unclaimed by Canada Post after an attempt of delivery and 2 notices at attempted delivery on the Tenant. The Landlord also stated that although, not a normal form of service, upon receiving the returned registered mail, she posted a copy of the hearing documents and evidence package on the door of the rental unit on November 3, 2010.

The Landlord is seeking an order of possession from the 10 day notice to end tenancy for unpaid rent dated October 13, 2010. She also states the current rent arrears are for

October and November of \$1,500.00 per month, totalling \$3,000.00. The Landlord is withdrawing her application for the security deposit as the Tenants are still occupying the rental unit.

Analysis

I am satisfied that the 10 day notice to end tenancy for unpaid rent was properly served by posting it on the door on October 13, 2010. I also find that the hearing documents were served properly by registered mail on October 27, 2010. Based upon the undisputed affirmed testimony and the evidence provided by the Landlord, I find that she has proven her claim and 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.

I also find that she has established a claim for a monetary order for rent arrears. The total rent arrears for the months October and November 2010, totalling \$3,000.00. 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 \$3,050.00. This order may be file in the Small Claims Division of the Provincial Court and enforced a an order of that Court.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$3,050.00.

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 22, 2010.

Dispute Resolution Officer