

## **Decision**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This hearing dealt with the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

The application for dispute resolution and notice of hearing (the "hearing package") were served on the tenant by way of posting in a conspicuous place adjacent to the tenant's entrance way on November 30, 2010. However, the tenant did not appear.

### **Issues to be decided**

- Whether the landlord is entitled to any or all of the above under the Act

### **Background and Evidence**

Pursuant to a written tenancy agreement, the month-to-month tenancy began on October 1, 2010. Monthly rent is \$700.00. No security deposit was collected.

Arising from rent which remained unpaid when due on November 1, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated November 15, 2010. The notice was served by way of posting on the tenant's door on that same date. Presently, rent remains overdue for November in the amount of \$400.00, and for December in the full amount of \$700.00. The landlord's observation is that the tenant appears to have abandoned the unit sometime around the beginning of December 2010.

### **Analysis**

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the hearing package was sufficiently served for the purposes of the Act.

I further find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated November 15, 2010, and that the tenant neither paid the full amount of overdue rent following that, nor filed an application for dispute resolution. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$1,150.00. This is comprised of \$400.00 in unpaid rent for November 2010, \$700.00 in unpaid rent for December 2010, in addition to the \$50.00 filing fee.

### **Conclusion**

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,150.00. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: December 15, 2010

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Dispute Resolution Officer