

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 the tenancy for unpaid rent, a monetary order for unpaid rent, and to keep all or part of the security deposit and the recovery of the filing fee.

Both parties attended the hearing by conference call and gave affirmed testimony.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

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

Background and Evidence

The landlord states that the 10 day notice to end the tenancy for unpaid rent was posted on the rental unit door on December 2, 2010 indicating a move-out/ vacate date of December 12, 2010. The Tenant has indicated that she did not make any application to dispute the notice. The hearing documents were served by registered mail on December 31, 2010 and the Landlord has provided the Canada Post Confirmation Receipt. The Tenant has confirmed receipt of the hearing package.

The Landlord is seeking to claim unpaid rent of \$1,130.00 for December 2010, a \$20.00 late rent fee, unpaid rent of \$1,130.00 for January 2011 and a \$20.00 late rent fee.

The Tenant does not dispute any of the rent arrears and states that she is in the process of trying to get the rent arrears as well as up to two months in advance for the rent.

Analysis

I find that the Tenant was properly served with the 10 day notice to end the tenancy for unpaid rent and the hearing documents. The Tenant has not filed for an application for dispute resolution regarding the notice. She is conclusively presumed to have accepted that the tenancy ended. I grant to the landlord an order of possession for unpaid rent.

As to the unpaid rent and late fees, I find that the Landlord has established a claim for rent arrears, late rent fees totalling \$2,300.00. The Landlord having been successful in the application is entitled to the recovery of the \$50.00 filing fee.

The Tenant is still in possession and occupancy of the rental unit and defer the security deposit to be dealt with accordingly at the end of the tenancy by both parties.

I grant a monetary order under section 67 to the Landlord for \$2,350.00.

Conclusion

The Landlord is granted an order of possession.

The Landlord is granted a monetary order for \$2,350.00.

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: January 20, 2011.

Residential Tenancy Branch