

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing documents. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in his absence.

### Issues to be Decided

Is the landlord entitled to any of the above under the Act.

### Summary of Background and Evidence

This tenancy started June 1, 1999 with current monthly rent of \$593.00. On January 6, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the amount of rent the tenant pays is based on his income and that in May 2010, based on the annual assessment of the tenant's income, the tenant was sent a notice stating that his rent was being increased to \$593.00 effective June 1, 2010. The landlord stated that the tenant continued to pay \$262.00 per month October 2010 through January 2011 and paid no rent in February 2011 resulting in the tenant being \$1917.00 behind on his rent.

The landlord stated that she had made numerous attempts to speak to the tenant about the matter and had sent the tenant a number of letters regarding the rent but that the tenant typically refuses to answer his door or respond to letters from the landlord.

The landlord is seeking a monetary order in the amount of \$1917.00 for unpaid rent and an order of possession for the rental unit.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the

outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent.

I find that the landlord has established a monetary claim for \$1917.00 in unpaid rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I hereby grant the Landlord an Order of Possession effective not later than 1:00 PM, February 28, 2011. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$1917.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$1967.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: February 3, 2011

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Residential Tenancy Branch