

DECISION

Dispute Codes OPR, MNR, 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, a request for a monetary order for unpaid rent and 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 to end the tenancy for unpaid rent?

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

Background and Evidence

The Landlord states that the 10 day notice to end tenancy for unpaid rent was served by registered mail on December 20, 2010. The Tenant confirms receipt of the notice. The Landlord states that the notice of a hearing documents were sent by registered mail on January 19, 2011.

The Landlord states that the Tenant has failed to pay the \$1,700.00 monthly rent for December 2010 as of the date of this hearing. The Landlord also states that the Tenant has failed to pay any rent for January 2011. The Tenant does not dispute this. The Tenant states that they offered to pay the Landlord the back rent and 6 months rent in advance on January 4, 2011, but that the Landlord refused. As of the date of the hearing, no rent has been paid. Based upon the Landlord's application, he is seeking \$1,700.00 rent for December 2010 and \$850.00 rent for ½ months rent in January 2011. The Landlord wants to claim the entire rent for the month of January and February 2011.

Analysis

Based upon the facts provided by both parties, I am satisfied that the Tenant was properly served with the 10 day notice to end the tenancy for unpaid rent. The Tenant did not pay the rent within the allowed 5 days and did not file an application for dispute

resolution. The Tenant is therefore deemed to accept that the tenancy has ended. I find that the Landlord 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.

As for the monetary order, I find that the Landlord has established a claim for the rent arrears for December 2010, January and February 2011 totalling \$5,100.00. This claim is limited to the Landlord's application for monetary compensation at \$2,550.00. Having being successful in his application, 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 \$2,600.00. 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 an order of possession and a monetary order for \$2,600.00.

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: February 02, 2011.

Residential Tenancy Branch