

## **DECISION**

**Dispute Codes:** OPR, MNR

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent.

The notice of hearing was served on the tenant on January 20, 2011 in person by the landlord. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent?

### **Background and Evidence**

The landlord testified that the tenancy started on July 01, 2010. The monthly rent is \$1,250.00 due in advance on the first of each month. Through the tenancy, the tenant was repeatedly late paying rent and also fell back on rent. Over the months, the tenant accumulated a debt of \$425.00 for outstanding rent. The tenant failed to pay rent for January 2011 and on January 07, 2011; the landlord served the tenant with a ten day notice to end tenancy. This notice was served on the tenant in person by the landlord in the presence of a witness.

The landlord stated that the tenant did not pay rent and continues to occupy the rental unit. At the time of this hearing, the tenant owed the landlord \$425.00 for back rent and \$1,250.00 for January. The landlord has applied for an order of possession effective two days after serving it on the tenant and for a monetary order in the amount of \$1,275.00 which consists of back rent and rent for January 2011.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on January 07, 2011 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy, on the date set out in the Notice. Pursuant to section 55(2), I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord has established a claim of \$1,675.00 for unpaid rent. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of **\$1,675.00**.

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