

DECISION

Dispute Codes OPR, MNR, MNDC, 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 request for a monetary order for unpaid rent, for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and the recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed affirmed testimony. The Tenant did not attend.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order?

Background and Evidence

The Landlord stated during direct evidence that he posted the 10 day notice to end the tenancy for unpaid rent on January 2, 2011 as shown in the attached proof of service document. The Tenant did not pay the rent arrears within 5 days and has failed to apply for dispute resolution. The Landlord stated that the Tenant has paid the January 2010 rent on January 24, 2010 and was issued a receipt for use and occupancy only. The Landlord states that on the date of the hearing the Tenant has failed to pay rent for February 2011 of \$995.00 and is claiming a \$20.00 late fee as stipulated in the signed tenancy agreement. The Landlord is also claiming \$10.00 for an unpaid parking fee for February 2011. This fee is shown in the submitted addendum to the tenancy agreement.

Analysis

I am satisfied that the Tenant was properly served with the 10 day notice to end tenancy for unpaid rent by the Landlord by posting it on the rental unit door on January 2, 2011.

The Landlord has also properly served the Tenant in person with the notice of hearing documents on January 24, 2011.

The Tenant failed to pay the rent or file an application for dispute resolution within 5 days of receiving the notice. The Tenant is therefore deemed to accept the tenancy has ended. This end to tenancy is also confirmed by the rent receipt issued to the Tenant for use and occupancy only. 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.

Based upon the undisputed affirmed testimony and submitted evidence of the Landlord, I find that the Landlord has established a claim for the rent arrears of \$995.00 for February 2011, the late rent fee of \$20.00 and the unpaid parking fee of \$10.00. The total claim established by the Landlord is \$1,025.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant an order under section 67 for the balance due of \$1,075.00. 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 \$1,075.00.

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 09, 2011.

Residential Tenancy Branch