

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This is an application by the Landlord for an order of possession following a 10 day notice to end tenancy for unpaid rent, a request for a monetary order for unpaid rent, to keep all or part of the security deposit 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 for unpaid rent, to keep the security deposit and recovery of the filing fee?

### Background and Evidence

The Landlord states that the 10 day notice to end the tenancy for unpaid rent was served by posting it on the door of the rental unit on January 4, 2011 as shown in the submitted evidence. The notice of hearing documents and evidence were served by registered mail on January 27, 2011 as shown on the registered mail receipt provided by the Landlord. At the time of the hearing, the Landlord states that the Tenant was still in possession of the rental unit and that according to Canada Post, notices have been left at the rental unit address and the Tenant has not claimed the registered mail package.

The Landlord states that the January 2011 rent of \$650.00 and the February 2011 rent of \$650.00 remains unpaid as of the date of this hearing.

### Analysis

Based upon the undisputed affirmed testimony of the Landlord, I am satisfied that the Tenant was properly served with the 10 day notice to end the tenancy for unpaid rent. The Tenant has not paid the outstanding rent and has not filed an application for dispute resolution within the allowed 5 days of receiving the notice. The Tenant is deemed to accept that the tenancy has ended. I am satisfied 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 \$1,300.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$325.00 security deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$1,025.00. 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 \$1,025.00. The Landlord may retain the security deposit.

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 10, 2011.

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Residential Tenancy Branch