

DECISION

Dispute Codes OPR, MNR, MNSD, 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 monetary order request 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?

Background and Evidence

The Landlord states that the 10 day notice to end tenancy was served by posting it on the rental unit door on January 6, 2011. The notice displayed a move-out date of January 16, 2011 and an unpaid rent amount of \$1,560.00, \$90.00 parking fee and a late rent fee of \$25.00.

The Landlord states that the notice of hearing documents were served by registered mail on February 4, 2011 as shown in the attached registered mail receipt evidence.

This Tenancy began on September 5, 2010 on a fixed term tenancy until August 31, 2011 as shown on the signed tenancy agreement submitted. The monthly rent is \$1,560.00 plus a \$90.00 Parking Fee, payable on the 1st of each month. The \$780.00 security deposit was paid on August 29, 2010.

The Landlord states that as of the date of the hearing, the Tenant has not paid the rent arrears or filed an application for dispute resolution concerning this notice.

The Landlord states that the Tenant is in arrears for the following:

December Rent NSF Fee	\$	25.00
December Late Rent Fee	\$	25.00
January 2011 Rent		\$1,560.00

January Parking Fee	\$ 90.00
January Late Rent Fee	\$ 25.00
February 2011 Rent	\$1,560.00
February Parking Fee	\$ 90.00
February Late Rent Fee	\$ 25.00
 Total Arrears	 \$ 3,400.00

Analysis

Based upon the undisputed affirmed testimony of the Landlord, I find that the Tenant was properly served with both the 10 day notice to end tenancy for unpaid rent and the notice of hearing document package.

I am satisfied that the Landlord has established a claim for an order of possession. The Tenant has not paid the outstanding rent nor have they filed an application for dispute resolution within 5 days as allowed. The Tenant is deemed to accept that the tenancy is at an end. 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.

I am also satisfied based upon the evidence and the undisputed affirmed testimony of the Landlord that a claim has been established for the arrears as noted above. The Landlord is granted a monetary order for the total amount of \$3,400.00. The Landlord is also entitled to the recovery of the \$50.00 filing fee. I order that the Landlord retain the \$780.00 security deposit in partial satisfaction of this claim and I grant an order under section 67 for the balance due of \$2,670.00. 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 \$2,670.00. 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 18, 2011.

Residential Tenancy Branch