

Decision

Dispute Codes: OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession / and a monetary order as compensation for unpaid rent. The landlord participated in the hearing and gave affirmed testimony.

Despite mailing of the application for dispute resolution and notice of hearing to the tenant by way of registered mail, the tenant did not appear. Included in the landlord's evidence is the Canada Post tracking number for the registered mailing. Pursuant to section 90 of the Act, documents served by registered mail are deemed to be received on the 5th day after mailing.

Issues to be decided

- Whether the landlord is entitled to either or both of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the fixed term of tenancy is from October 1, 2010 to September 30, 2011. Monthly rent is \$2,100.00, and no security deposit was collected.

Arising from rent which remained unpaid on February 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated February 23, 2011. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenant made no payment toward rent and she continues to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated February 23, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$3,900.00, comprised as follows:

\$1,800.00: unpaid rent for February 2011

\$2,100.00: unpaid rent for March 2011

The landlord has not applied to recover the filing fee.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$3,900.00**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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*.

DATE: March 17, 2011

Residential Tenancy Branch