

## **Decision**

**Dispute Codes:** OPR, MNR, MNDS, FF

### **Introduction**

This hearing dealt with the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

Despite being served by way of registered mail with the application for dispute resolution and notice of hearing (the "hearing package"), the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mailing. The Canada Post website informs that the hearing package was "successfully delivered."

### **Issues to be decided**

- Whether the landlord is entitled to any of the above under the Act

### **Background and Evidence**

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the tenancy began in October 2008. Monthly rent was \$1,400.00 for the duration of tenancy, and a security deposit of \$700.00 was collected.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated June 25, 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 further payment toward rent and is thought to have vacated the unit on or around July 15, 2011. The tenant left no forwarding address.

### **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 June 25, 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 \$4,250.00. This is comprised of \$4,200.00 in unpaid rent combined for the 3 months of May, June & July 2011 (3 x \$1,400.00), in addition to the \$50.00 filing fee.

I order that the landlord retain the security deposit of \$700.00, plus interest of \$2.64 [total: \$702.64] and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$3,547.36 (\$4,250.00 - \$702.64).

### **Conclusion**

I hereby issue an order of possession in favour of the landlord effective not later than **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 \$3,547.36. 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: July 29, 2011

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Residential Tenancy Branch