

DECISION

Dispute Codes OPR, MNR, 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 request for a monetary order for unpaid rent and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession for unpaid rent?

Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence

This tenancy began on April 1, 2010 on a fixed term tenancy ending on March 31, 2011 and then thereafter on a month to month basis as shown in the submitted signed tenancy agreement. The monthly rent is \$725.00 payable on the 1st of each month and a security deposit of \$362.50 was paid on March 19, 2010.

The Landlord states that the Tenant was served with the notice of hearing documents by posting on the door on June 24, 2011. The Landlord has stated that because of the Canada postal strike the registered mail option was not available and the Tenant has refused to answer the door when the Landlord has determined that the Tenant was home. The Landlord states that because of this, the notice of hearing documents were posted on the door. The Landlord states that the 10 day notice to end tenancy was posted on the door on June 2, 2011 as shown in the submitted proof of service document.

The Landlord states that rent of \$725.00 for June has not been received as of service of the 10 day notice until the date of this hearing. The Landlord also stated that the Tenant has also failed to pay rent for July as of the date of this hearing and is seeking the July rent of \$725.00.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with the notice to end tenancy for non-payment of rent and the notice of hearing documents. The Tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presume to have accepted that the Tenancy ended on the effective date of the notice. Based upon the above facts, I find 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 \$1,450.00 in unpaid rent for June and July. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$362.50 security deposit in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$1,137.50. 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 \$1,137.50. 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: July 04, 2011.

Residential Tenancy Branch