

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed 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 and recovery of the filing fee.

The Landlord attended the hearing and gave undisputed 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

This tenancy began on April 10, 2010 on a month to month basis as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$750.00 payable on the 1st of each month.

The Landlord states that the \$375.00 security deposit was adjudicated in a previous decision.

The Landlord states that the notice of hearing and evidence package was sent by registered mail to the Tenant on June 14, 2011. The Landlord has submitted the registered mail receipt and has confirmed that the Tenant has received the package.

The Landlord states that the 10 day notice to end tenancy for unpaid rent was posted on the door on June 8, 2011. The Landlord claims that the Tenant failed to pay the June rent of \$750.00 on the 1st of the month and issued the notice on June 2, 2011. The Landlord states that she received a partial payment on June 20, 2011 of \$375.00 from the government ministry. The Landlord states that she issued a receipt for use and occupancy only, which was posted to the rental unit door on June 20, 2011. The Landlord states that the Tenant has not paid anything else or filed an application for dispute.

Analysis

Based upon the undisputed testimony of the Landlord, I am satisfied that the Tenant was properly served with the notice of hearing and evidence package by registered mail. I also find that the Tenant was properly served with the 10 day notice to end tenancy for unpaid rent. The Tenant has failed to pay the rent due or file an application for dispute resolution within the allowed 5 days. The Tenant is deemed to have accepted that the Tenancy is at an end. I find that the Landlord has established the claim for 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 \$375.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord an order under section 67 for the balance due of \$425.00. 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 \$425.00.

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 05, 2011.

Residential Tenancy Branch