



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR

Introduction

This is the Landlord's application for an Order of Possession and a Monetary Order for unpaid rent.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were personally served upon the Tenant at the rental unit on June 22, 2011 at 9:45 a.m.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order for unpaid rent for the months of April, May and June, 2011?

Background and Evidence

The Landlord's agent gave the following testimony and evidence:

A copy of the tenancy agreement was provided in evidence. The tenancy began on August 28, 2009. Monthly rent is \$900.00 per month, due the first day of each month. No security deposit was required at the beginning of the tenancy.

On June 2, 2010, the Landlord issued a Notice to End Tenancy for Unpaid Rent (the "Notice") alleging that the Tenant owed \$2,010.00 in rent. The Landlord served the Tenant with the Notice by leaving it personally with the Tenant on June 2, 2011, at the rental unit. The Landlord provided a Proof of Service document in evidence, signed by a witness.

The Landlord's agent testified that the Tenant remains in the rental unit and has not paid any money towards the arrears. The Landlord's agent requested a monetary order for unpaid rent, as follows:

Unpaid rent for April, 2011	\$210.00
Unpaid rent for May, 2011	\$900.00
Unpaid rent for June, 2011	<u>\$900.00</u>
TOTAL AMOUNT CLAIMED	\$2,010.00

The Landlord's agent asked for an Order of Possession effective July 15, 2011.

Analysis

Based on the Landlord's documentary evidence and the Landlord's agent's testimony, and in the absence of any evidence from the Tenant, I accept that the Landlord served the Tenant with the Notice to End Tenancy on June 2, 2010. The Tenant did not pay all of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on June 12, 2011. The Landlord is entitled to an Order of Possession and I make that Order, effective 1:00 p.m., July 15, 2011.

The Landlord has established a monetary claim for unpaid rent in the total amount of \$2,010.00.

Conclusion

I hereby grant the Landlord an Order of Possession **effective 1:00 p.m., July 15, 2011.**

This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord a Monetary Order in the amount of **\$2,010.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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*.

Dated: July 05, 2011.

Residential Tenancy Branch