

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the landlord's filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 1:41 p.m. in order to enable her to connect with this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord entered into written evidence a copy of the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) he sent to the tenant by registered mail on June 10, 2011. He provided the Canada Post Tracking Number for this mailing. The landlord testified that he sent a copy of the dispute resolution hearing package to the tenant by registered mail on July 8, 2011. He entered into written evidence the original Customer Receipt for this mailing, including the Canada Post Tracking Number. He testified that he had checked Canada Post's records and confirmed that the tenant received the dispute resolution hearing package. I am satisfied that the landlord served these documents and the written evidence to the tenant in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant? Is the landlord entitled to a monetary award for unpaid rent?

### Background and Evidence

This tenancy commenced as a four-month fixed term tenancy on December 1, 2003. After the expiration of the initial term, the tenancy converted to a periodic tenancy. The tenant's portion of the monthly rent for this subsidized housing rental unit is \$215.00. The landlord holds no security deposit.

The landlord applied for a monetary Order of \$1,075.00 plus recovery of the landlord's \$50.00 filing fee for this application. The landlord testified that the tenant has not paid her portion of her rent for March, April, May, June, July or August. The landlord asked that the requested amount of the monetary Order be increased by \$215.00 to reflect the tenant's failure to pay rent for August 2011.

### Analysis - Order of Possession

Based on the undisputed evidence provided by the landlord, the tenant failed to pay any of the \$860.00 in outstanding rent identified in the 10 Day Notice of June 10, 2011 within five days of receiving the 10 Day Notice. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenant's failure to take either of these actions within five days led to the end of her tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by June 23, 2011. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

### Analysis – Monetary Order

I find that the landlord is entitled to a monetary Order for unpaid rent from March 2011 until August 2011. As the landlord has been successful in this application, I find that the landlord is entitled to recover the \$50.00 filing fee from the tenant.

### Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary Order in the landlord's favour in the following terms which allows the landlord to recover unpaid rent and the landlord's filing fee for this application from the tenant:

Item	Amount
Unpaid March 2011 Rent	\$215.00
Unpaid April 2011 Rent	215.00
Unpaid May 2011 Rent	215.00
Unpaid June 2011 Rent	215.00
Unpaid July 2011 Rent	215.00
Unpaid August 2011 Rent	215.00
Recovery of Filing Fee for this application	50.00
<b>Total Monetary Order</b>	<b>\$1,340.00</b>

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to

comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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*.