

## **DECISION**

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

The Landlord attended the hearing by conference call 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 August 4, 2010 on a month to month basis as shown in the signed tenancy agreement. The monthly rent is \$650.00 payable on the 1<sup>st</sup> of each month. A security deposit of \$325.00 and a \$40.00 key deposit was paid on August 4, 2010.

The Landlord states that the Tenant was sent the notice of hearing and evidence package by registered mail on August 3, 2011. The Landlord has included in his evidence the registered mail receipt and tracking number. The Landlord states that notices of attempted service were made by Canada Post and subsequently after the package was returned to the Landlord as undelivered. The Landlord states that he Tenant is still in possession and occupying the rental unit.

The Landlord is claiming a total of \$1,625.00 in unpaid rent. This consists of rent arrears from June 2011 of \$325.00 and \$1,300.00 of unpaid rent (\$650.00 for each month of July and August 2011). This is partially shown in the 10 day notice to end tenancy for unpaid rent served on July 8, 2011 by posting on the door. The Landlord states that rent remains outstanding as of the date of this hearing.

### Analysis

Based upon the submitted evidence and the undisputed testimony of the Landlord, I am satisfied that the Tenant was properly served by registered mail with the notice of hearing documents. The Tenant is deemed to have received the notice by registered mail 5 days after it was sent by the Landlord on August 8, 2011.

I find as well that the Landlord has properly served the 10 day notice to end tenancy for unpaid rent on the Tenant by posting on the door. The Tenant is deemed to have received the notice on the 3<sup>rd</sup> day after posting on July 11, 2011.

As the Tenant has neither paid the outstanding rent nor has he filed an application for dispute within the allowed 5 days after receiving the notice, the Tenant is deemed to accept that the Tenancy is at an end. Based upon the above facts, I find that the Landlord is entitled to an order of possession. The Tenant must be served with 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 \$1,625.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order that the Landlord retain the \$325.00 security deposit and the \$40 key deposit in partial satisfaction of this claim and I grant the Landlord an order under section 67 for the balance due of \$1,310.00. 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 \$1,310.00. The Landlord may retain the \$325.00 security deposit and \$40.00 key 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: August 31, 2011.

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Residential Tenancy Branch