

## **DECISION**

Dispute Codes      OPR, OPC, MNR, 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 1 month notice to end tenancy for cause, a monetary order request for unpaid rent and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave testimony. The Tenant did not attend. No evidence has been filed by the Tenant.

### 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

The Landlord claims that the Tenant was served with the notice of hearing documents by registered mail on September 11, 2011 and has included a copy of a Canada Post registered mail tracking number print out. The tracking confirmation shows that the package was sent and not picked up by the Tenant. The Landlord's counsel states that he confirmed that the Tenants were in possession of the rental unit up until October 6, 2011, but that the Landlord has not been able to confirm that they vacated the rental unit prior to this hearing date. The Landlord has stated that the Tenant's changed the locks without permission and failed to provide a copy of the key after written notice was given to the Tenant. The Landlord also states that the notice of hearing and evidence package was also posted to the rental unit door on September 13, 2011.

The Landlord states that a 10 day notice to end tenancy for unpaid rent dated August 18, 2011 was served by the Landlord's real estate agent by posting it on the door. The Landlord has not provided any proof of service. The Landlord's counsel also states that the 10 day notice for unpaid rent was also served by registered mail on August 26, 2011 and then again on September 16, 2011. The notice displays a move out date of September 1, 2011 and that rent due on August 1, 2011 of \$2,000.00 was unpaid. The Landlord states that the unpaid rent consists of \$1,000.00 for unpaid July 2011 and \$1,000.00 for unpaid August 2011 rent.

### Analysis

I accept that Landlord's undisputed testimony and I find that the Tenant was served with a notice to end tenancy for non-payment of rent. 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 on the above fact 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 \$2,000.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. As the Landlord has not provided any evidence of a security deposit, I grant the Landlord an order under section 67 for the balance due of \$2,050.00. 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 \$2,050.00.

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: October 11, 2011.

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Residential Tenancy Branch