

## **DECISION**

Dispute Codes      OPR, 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 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.

At the beginning of the hearing the Landlord stated that the Tenant vacated the rental unit without notice or providing a forwarding address in writing and as such is no longer seeking an order of possession.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

### Background and Evidence

This Tenancy began on July 1, 2011 on a fixed term tenancy until July 1, 2012 as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$800.00 payable on the 1<sup>st</sup> of each month.

The Landlord states that the Tenant was served the 10 day notice to end tenancy by posting it on the rental unit door on September 10, 2011. The notice is dated September 10, 2011 and displays a move-out date of September 20, 2011 and an unpaid rent amount of \$900.00 that was due on September 1, 2011. The Landlord stated that the Tenant was in arrears of \$100.00 in addition to the monthly rent of \$800.00. The Landlord states that the Tenant did not pay the rent nor file an application for dispute resolution within the allowed 5 days.

The Landlord stated that the Tenant was served the notice of hearing by registered mail on September 29, 2011 and has provided the Canada Post Registered Mail Tracking Number 79325634930 in confirmation.

### Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was properly served with a 10 day notice to end tenancy for unpaid rent on September 10, 2011. 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 presumed to accept that the tenancy is at an end on the effective date of the notice.

Based upon the above facts, I find that the Tenant was properly served the notice of hearing documents by registered mail.

Upon review of the Landlord's submitted evidence and oral testimony, I find that the Landlord has established a claim for \$900.00 in unpaid rent. The Landlord is also entitled to recover of the \$50.00 filing fee. I grant the Landlord an order under section 67 for the balance due of \$950.00. 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 a monetary order for \$950.00.

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 26, 2011.

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Residential Tenancy Branch