

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, a monetary order request for unpaid rent and recovery of the filing fee.

Both parties attended the hearing by conference call and gave testimony.

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 states that the Tenant was served with the 10 day notice to end tenancy for unpaid rent on September 3, 2011 in person. The Tenant confirms receiving the notice. The notice dated September 3, 2011 displays unpaid rent of \$950.00 of unpaid rent that was due on September 1, 2011. The Landlord states that the Tenant failed to pay the rent or file an application for dispute within the allowed 5 days. The Tenant confirms this. The Landlord states that the Tenant paid the September rent on September 23, 2011, but the Landlord is still seeking an order of possession. The Tenant agrees with the Landlord's claims.

The Landlord served the notice of hearing documents on October 5, 2011 by registered mail. The Tenant has confirmed receiving this package. The Tenant agrees with the Landlord that rent of \$950.00 for October is in arrears. The Landlord is also seeking utility costs, but has not provided any evidence of outstanding utilities.

Analysis

The Tenant has confirmed in his own direct testimony that rent for September 2011 was outstanding and that he did not pay the rent or file an application for dispute within the allowed time frame, I am satisfied that the Tenant has accepted that the Tenancy is at an end. 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.

The Landlord's claim for utilities has not been established and is dismissed. I find that the Landlord has established a claim for unpaid rent of \$950.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order under section 67 for the balance due of \$1,000.00. 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 \$1,000.00.

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 31, 2011.

Residential Tenancy Branch