

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 monetary order?

Background and Evidence

The Landlord claims that the Tenant was served with a 10 day notice to end tenancy for unpaid rent on November 3, 2011 in person. The Landlord claims that the notice was signed by him on November 1, 2011 and displayed outstanding rent due of \$2,165.00 on November 1, 2011. The Landlord states that this is for the monthly rent of \$595.00 payable by the 1st of each month for the months of September, October and November of 2011. The Landlord states that the outstanding \$380.00 was from unpaid rent arrears from the month of August 2011. The Landlord further states that there is no security deposit as this amount was applied to an outstanding rent from a previous decision. The Tenant stated in direct testimony that she will pay the Landlord the outstanding rent and does not dispute his claims.

Analysis

Neither party has submitted any documentary evidence for this dispute resolution hearing. The Landlord's claims are undisputed by the Tenant. I find based on the direct testimony of both parties that the Landlord has established a claim and 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.

Based upon the undisputed testimony of the Landlord, I find that the Landlord has established a claim for \$2,165.00 in unpaid rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for the balance due of \$2,215.00. 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 \$2,215.00.

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: November 24, 2011.

Residential Tenancy Branch