

Decision

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing was convened in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing (the "hearing package"), neither tenant appeared. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mail.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act, Regulation or tenancy agreement

Background and Evidence

Pursuant to a written tenancy agreement, the original term of tenancy was from February 15, 2010 to February 28, 2011. Thereafter, tenancy has continued on a month-to-month basis. Monthly rent of \$795.00 is payable in advance on the first day of each month, and a security deposit of \$397.50 was collected.

Arising from rent which remained unpaid when due on November 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated November 2, 2011. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants have made no further payment toward rent and they continue to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated November 2, 2011. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$1,930.00. This is comprised of \$1,065.00 in unpaid rent / fee(s) for late payment of rent as shown on the 10 day notice, \$795.00 in unpaid rent for December 2011 plus the \$20.00 fee for late payment of rent, in addition to the \$50.00 filing fee.

The landlord has not presently applied to retain the security deposit.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than two (2) days after service on the tenants. This order must be served on the tenants. Should the tenants 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,930.00. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

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*.