

Decision

Dispute Codes: OPR, MNR, 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 / and recovery of the filing fee. The landlord and a person assisting her participated in the hearing and gave affirmed testimony.

Despite being served at the unit on November 24, 2011 with the application for dispute resolution and notice of hearing (the "hearing package"), the tenant did not appear.

Issues to be decided

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

Background and Evidence

There is no written tenancy agreement for this tenancy which presently concerns two residents. Originally, "KA" was the tenant and she began her tenancy in January 2011. Later that month "JZ" moved into the unit. The landlord understands that while tenant "KA" ended her tenancy in May 2011, and "JZ" assumed the tenancy as the sole occupant, "KA" later returned to live in the unit with "JZ" in approximately July 2011.

Monthly rent of \$600.00 is payable in advance on the first day of each month. "JZ" and "KA" are also responsible for monthly cable fees in the amount of \$11.14. A security deposit was collected from "KA" in January 2011 in the amount of \$275.00.

Arising from rent and utilities which remained unpaid when due on November 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated November 15, 2011. The notice was personally served on that same date. A copy of the notice was submitted into evidence. Subsequently, no further payments have been made toward either rent or utilities, and it is understood that "JZ" and "KA" both continue to reside in the unit.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent or utilities dated November 15, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is 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 \$1,883.42. This is comprised as follows:

\$1,800.00: unpaid rent for each of the months of October, November & December 2011 (3 x \$600.00)

\$ 33.42: unpaid cable fees for each of the months above (3 x \$11.14)

\$ 50.00: filing fee

Total: \$1,883.42

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 tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,883.42. This order may be served on the tenant, 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*.

DATE: December 8, 2011

Residential Tenancy Branch