



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, MND, FF

### Introduction

This hearing was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

Despite being served in-person at her place of work on February 13, 2012, with the application for dispute resolution and notice of hearing (the "hearing package"), the tenant did not appear.

### Issue(s) 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 in evidence for this tenancy which began approximately 2 years ago. Monthly rent of \$720.00 is payable in advance on the first day of each month. No security deposit or pet damage deposit was collected.

Arising from unpaid rent over a period of months, the landlord issued a 10 day notice to end tenancy for unpaid rent dated January 12, 2012. The notice was served in-person on the tenant at her place of work on January 12, 2012, as well as posted on her door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenant made no further payment toward rent and she continues to reside in the unit.

### Analysis

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 dated January 12, 2012. 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 \$3,430.00 as set out below:

\$500.00: unpaid rent for October 2011  
\$720.00: unpaid rent for November 2011  
\$720.00: unpaid rent for December 2011  
\$720.00: unpaid rent for January 2012  
\$720.00: unpaid rent for February 2012  
\$ 50.00: filing fee

### 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 **\$3,430.00**. 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*.

Dated: February 29, 2012.

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Residential Tenancy Branch