

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application filed by the Landlord for an order of possession, a request for a monetary order for unpaid rent and money owed and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on February 24, 2012. The Landlord has submitted a copy of the Canada Post Registered Mail Customer Receipt as evidence. As such, I find that the Tenant has been properly served with the notice of hearing and evidence package by registered mail under the Act.

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

This Tenancy began on November 4, 2011 and is currently on a month to month basis as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$875.00 payable on the 1st of each month and a security deposit of \$487.50 was paid on November 3, 2011.

The Landlord states that the Tenants were served a 10 day notice to end tenancy for unpaid rent on February 7, 2012 by posting it on the rental unit door on the same day. The notice shows an effective date of February 17, 2012. The Landlord has provided a proof of service document that states that the notice was posted on the door on February 7, 2012. The notice shows that the Tenant failed to pay the outstanding rent of \$465.00 that was due on February 1, 2012. The Landlord states that the Tenants have made two partial rent payments of \$150.00 on February 23, 2012 and \$300.00 on March 3, 2012. The Landlord states that the Tenants are still in arrears for February rent of \$15.00 and a \$20.00 late rent fee. The Landlord states that the Tenants are still in possession of the rental and have made no other rent payments for March as well.

The Landlord seeks rent arrears for February of \$35.00, consisting of \$15.00 in February rent arrears and a \$20.00 late rent fee. The Landlord also seeks the unpaid rent of March for \$875.00 and a \$20.00 late rent fee. The Landlord has submitted a copy of the signed tenancy agreement and relies on section 3 for the outstanding rent amount and the late rent fees.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with a notice to end tenancy for non-payment of rent. The Tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based upon the above facts, I find that 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.

As for the monetary order, I find that the Landlord has established a claim for \$930.00, consisting of \$890.00 in unpaid rent and \$40.00 for late rent fees. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord an order under section 67 for the balance due of \$980.00. 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 \$980.00.

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: March 09, 2012.

Residential Tenancy Branch