

DECISION

Dispute Codes OPR, MNR, MNDC, 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.

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 March 28, 2012. As such, I find that the Tenant was properly served under the Act and is deemed to have received the notice of hearing and evidence 5 days later.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession for unpaid rent?

Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The Landlord states that there is no signed tenancy agreement. The Landlord states that the Tenant failed to pay rent for January, February, March and April of 2012. The Landlord states that monthly rent is \$1,800.00 payable on the 1st of each month.

The Landlord claims that a 10 day notice to end tenancy for unpaid rent dated March 21, 2012 was personally served on the Tenant on the same day. The notice displays an effective date of March 31, 2012 and that outstanding rent for January, February and March of 2012 for \$5,400.00 (\$1,800.00 per month) was due on March 1, 2012 and was not paid. The Landlord states that as far as she is aware the Tenant is still in possession of the rental unit. The Landlord is seeking unpaid rent for April of 2012 of \$1,800.00.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated March 21, 2012 for 3 months

totalling, \$5,400.00. As the Tenant is still in possession of the rental and has not paid any rent, I find that the Landlord has established a claim for unpaid rent of \$7,200.00.

Based upon the above facts, I find that the Landlord is entitled to an order of possession for unpaid rent. The Tenant having being served with the notice, has failed to pay the outstanding rent nor did the Tenant file an application to dispute the notice. The Tenant is presumed to accept that the Tenancy is at an end. The Landlord is granted 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 total monetary claim of \$7,200.00 for unpaid rent. The Landlord is also entitled to recovery of the \$100.00 filing fee. I grant the Landlord an order under section 67 for the balance due of \$7,300.00. 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 \$7,300.00.

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: April 17, 2012.

Residential Tenancy Branch