

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and the 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 personally served with the notice of hearing and evidence package on May 2, 2012 at the rental unit. The Landlord has submitted a letter dated May 2, 2012 which states that the Tenants were personally served with the notice of hearing and evidence with the witness, P.J. in attendance. As such, I am satisfied based upon the undisputed testimony and documentary evidence of the Landlord that the Tenant was properly served with the notice of hearing and evidence.

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

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated April 5, 2012 in person at the rental unit on the same day. The notice shows an effective move-out date of April 16, 2012 and that rent of \$1,875.00 was due on April 1, 2012 was not paid.

During the hearing the Landlord clarified that she recently became the Landlord/Owner for this rental unit. The Landlord states that the monthly rent is \$750.00 and that the two Tenants each pay \$375.00 per month. The Landlord clarified that when the notice was served that \$750.00 (\$375.00 per month) was outstanding for February and March. The Landlord also states that no rent (\$750.00) was paid for April. The Landlord stated that the remaining \$375.00 was for a security deposit that she did not receive from the previous owners (the bank). The Landlord is seeking an order of possession for unpaid rent and a monetary order for unpaid rent of \$1,500.00.

Analysis

I accept the undisputed testimony of the Landlord and I find that the Tenants were served with a notice to end tenancy for non-payment of rent. The Tenants 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 Tenants must be served with the order of possession. 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.

As for the monetary order, I find based upon the evidence submitted that the Landlord has established a claim for unpaid rent of \$1,500.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for the balance due of \$1,550.00. 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 \$1,550.00.

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: May 22, 2012.

Residential Tenancy Branch