

DECISION

Dispute Codes OPR, MNR

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order request for unpaid rent.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord served the Tenants with the notice of hearing and evidence by Canada Post Registered Mail on May 1 and 4, 2012. The Landlord has submitted the Canada Post Registered Mail Customer Receipts and on-line tracking information as evidence that the notice of hearing and evidence packages were sent to the Tenants mailing address and were unclaimed by them. As such, I find that the Tenants were properly served with the notice of hearing and evidence packages by registered mail and are deemed to have been served 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 July 1, 2011 on a fixed term tenancy until July 1, 2012 as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$900.00 payable on the 1st of each month and a security deposit of \$450.00 was paid on June 25, 2011.

The Landlord states that the Tenants were served with a 10 day notice to end tenancy for unpaid rent dated April 18, 2012 by posting it on the rental unit door on the same date. The Landlord has submitted a copy of a proof of service document which states that the Landlord posted the notice on the rental unit door with a witness on April 18, 2012. The notice indicates a move-out date of May 1, 2012 and that rent of \$900.00 was due on April 1, 2012 and remains unpaid. The Landlord states that the Tenants still occupy the unit and have paid no rent after the issuance of this notice.

Analysis

I accept the undisputed testimony of the Landlords and find that the Tenants were served with a notice to end tenancy for unpaid 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 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.

I find that the Landlord has established a claim for \$900.00 in unpaid rent for April of 2012. The Landlord is granted a monetary order under section 67 for unpaid rent of \$900.00. 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 \$900.00.

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