

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 served with the notice of hearing and evidence package by Canada Post Registered Mail on April 17, 2012 and has submitted in her direct testimony the Customer Tracking Number RW695488698CA as evidence. The Landlord states that she later confirmed in a text with the Tenant that the notice was received. As such, I find that the Tenant was properly served with the notice of hearing and evidence package as deemed 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

The Landlord states that a 10 day notice to end tenancy for unpaid rent was served on the Tenant on April 2, 2012 by posting it on the rental unit door. The Landlord has submitted a proof of service document stating that the posting was witnessed on April 2, 2012. The Landlord states that the Tenant is still in possession of the rental unit and has not made any rent payments since the posting of this notice.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,050.00 based upon the notice dated April 2, 2012.

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, the Landlord has established a claim for unpaid rent of \$1,050.00 based upon the notice dated April 2, 2012. The Landlord is also entitled to the recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for the balance due of \$1,100.00. 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 \$1,100.00.

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 02, 2012.

Residential Tenancy Branch