

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 Tenant has not submitted any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on June 23, 2012 and has submitted the Customer Receipt as evidence. As such, I am satisfied that the Tenant has been 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, Evidence and Analysis

This Tenancy began on April 1, 2011 on a fixed term tenancy until March 31, 2012 and then thereafter on a month to month basis as shown by the partial submitted copy of the signed tenancy agreement. The monthly rent is \$1,100.00 payable on the 1st of each month and a security deposit of \$550.00 was paid on April 1, 2011.

The Landlord states that the Tenant was served with the 10 day notice to end tenancy for unpaid rent dated June 4, 2012 on the same date by posting it on the rental unit door with a witness. The notice states that rent was due on the 1st of June 2012 and was not paid. The stated effective date of the notice was June 17, 2012. The Landlord states that the Tenant failed to pay rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice. The Landlord states that the Tenant made a partial rent payment on June 25, 2012 of \$500.00 and again on July 4, 2012 of \$500.00. the Landlord states that as of the date of the hearing, the Tenant is in arrears for \$315.00 for unpaid rent and \$25.00 for a late rent fee for June.

I accept the undisputed testimony of the Landlord and find that the Tenant was served with the 10 day notice to end tenancy for unpaid rent dated June 4, 2012 on the same date by having it posted to the rental unit door. The Tenant failed to pay the outstanding rent within 5 days or file an application for dispute resolution. The Tenant is presumed to have accepted that the tenancy is at an end on June 17, 2012. Based upon the above undisputed facts, 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 \$315.00 in unpaid rent and \$25.00 for a late rent fee for June 2012. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for \$390.00. 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 \$390.00.

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: July 10, 2012.

Residential Tenancy Branch