

DECISION

Dispute Codes OPC, MNR, MNDC, FF, CNC, OLC, PSF, LRE

Introduction

There are applications filed by both parties. The Landlord has made an application for an order of possession resulting from a notice to end tenancy for cause, a monetary order request for unpaid rent and recovery of the filing fee. The Tenant has made an application to cancel the notice to end tenancy for cause, requests an order for the Landlord to comply with the Act, Regulations or Tenancy Agreement, for the Landlord to provide services or facilities required by law and suspend or set conditions on the Landlord's right to enter the rental unit.

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 July 3, 2012. I am satisfied based upon the undisputed testimony of the Landlord that the Tenant was properly served as deemed under the Act.

At 16 minutes past the start of the hearing and with no attendance by the Tenant and the Landlord present in response, the Tenant's entire application is dismissed without leave to reapply.

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

The Landlord states that the Tenant was served with a 1 month notice to end tenancy for cause on May 22, 2012 by Canada Post Registered Mail. The notice shows the effective date of June 22, 2012. I accept that the Tenant was served with the notice and that the Tenant failed to attend to dispute the notice. The Tenant is conclusively presumed to have accepted that the Tenancy ended on the effective date of the notice. The notice's effective date is corrected to June 30, 2012 as per the Act. 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, the Landlord's claim states that the Tenant failed to pay rent for May 2012 of \$575.00 and June of 2012 of \$575.00, totalling \$1,150.00. Based upon the undisputed evidence of the Landlord, I find that the Landlord has established a claim for unpaid rent of \$1,150.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$1,200.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The Tenant's entire application is dismissed without leave to reapply.

The Landlord is granted an order of possession and a monetary order for \$1,200.00

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 17, 2012.

Residential Tenancy Branch