

## **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.

Both parties attended the hearing by conference call and gave testimony. The Tenant has not submitted any documentary evidence. As both parties have attended the hearing and have acknowledged receiving the notice of hearing and evidence package submitted, I am satisfied that both parties have been properly served.

At the end of the hearing, the Tenant advised that she as yet does not have a new forwarding address and would the decision to be send to the dispute address as she is in the process of having that mail forwarded by Canada Post.

### **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 August 1, 2007 on a fixed term tenancy then thereafter on a month to month basis as shown by the submitted signed tenancy agreement.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy for unpaid rent on July 4, 2012 that is dated July 4, 2012. The notice shows that rent of \$940.00 was due on July 1, 2012 and a late rent fee of \$25.00 was noted on the notice. The notice shows an effective date of July 16, 2012. The Tenant disputes that she did not receive the notice, but has confirmed that she has not paid any rent. The Landlord states that his co-worker, P.L. was a witness that the Tenant was personally served. The Landlord, G.T. states that he attempting to post the notice on the door on July 4, 2012 and that the Tenant came to the rental unit door and was given the notice with P.L. as a witness.

The Tenant states that she vacated the rental unit on July 31, 2012. The Landlord states that he was unaware of the Tenant vacating the rental unit. The Tenant has confirmed in her direct testimony that she did not give any notice to the Landlord nor has she returned the rental keys.

The Landlord seeks an order of possession and a monetary order for \$965.00, this consists of the unpaid July 2012 rent of \$940.00 and the \$25.00 late rent fee.

### Analysis

I accept the testimony of the Landlord that the Tenant was served with the 10 day notice to end tenancy dated July 4, 2012 in person on the same date. As the Tenant has confirmed in her direct testimony that rent was unpaid and that she has vacated the rental unit on July 31, 2012 without notice or returning the rental unit keys to the Tenant, I am satisfied that the Landlord has established a claim for both.

The Landlord is granted an order of possession. The order must be served on the Tenant. 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, I find that the Landlord is entitled to the claim filed of \$965.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary order for the Landlord of \$1,015.00. 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 \$1,015.00.

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: August 09, 2012.

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Residential Tenancy Branch