

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 stated that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on July 30, 2012. The Landlord's Agent stated that she signed for the Registered Mail Package on July 31, 2012 then posted it to the rental unit door. The Landlord clarified that after this, the Tenants returned home and the Landlord personally served the Registered Mail Packages to the Tenant, Y.S.W. on July 31, 2012 at the rental unit. The Landlord has submitted a letter with a statement that the service was completed with a witness. I accept the undisputed testimony of the Landlord and find that the Tenants were personally served by the Landlord's Agent on July 31, 2012 with a witness. As such, I find that both parties have been properly served with the notice of hearing and evidence package in person on July 31, 2012 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

The Landlord states that the Tenancy began on November 15, 2010 on fixed term tenancy for 1 year. The monthly rent is \$900.00 payable by the 1st of each month and a security deposit of \$450.00 was paid.

The Landlord states that a 10 day notice to end tenancy dated July 8, 2012 was personally served on Tenant on the same date, with the Tenant signing acknowledgement receiving the notice. The notice states that rent was unpaid of \$1,800.00 for June and July 2012 (\$900.00 each). The stated effective date of the

notice is July 28, 2012. The Landlord states that as of the date of this hearing the Tenants have not paid any rent since being served with this notice.

The Landlord seeks an order of possession and a monetary order for unpaid rent for \$2,700.00 consisting of \$900.00 for June, \$900.00 for July and \$900.00 for August rent which is unpaid.

I accept the Landlord's undisputed testimony and I find that the Tenant was served with the 10 day notice to end tenancy for unpaid 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, I find that the Landlord has established a claim for unpaid rent of \$2,700.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I order pursuant to section 38 and 72 of the Residential Tenancy Act that the Landlord offset the monetary claim against the \$450.00 security deposit and grant the Landlord a monetary order under section 67 for the balance due of \$2,300.00.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$2,300.00. The Landlord may retain the \$450.00 security deposit.

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 27, 2012.

Residential Tenancy Branch