

## **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 did not submit 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 August 2, 2012 as shown by the submitted Customer Receipt. The Landlord also states that he provided the same package by email to the Tenant for which she responded to on the same date of August 2, 2012. As such, I find that both parties have been properly served with the notice of hearing and evidence submitted for this hearing.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

Is the Landlord entitled to an order of possession?

### Background, Evidence and Analysis

This Tenancy began on July 1, 2011 on a fixed term tenancy until June 30, 2012 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$950.00 and is payable on the 1<sup>st</sup> of each month and a security deposit of \$475.00 was paid.

The Landlord states that the Tenant was served with the 10 day notice to end tenancy for unpaid rent which was undated on July 6, 2012 by posting in on the rental unit door. The Landlord states that the notice was posted with a witness and has submitted the proof of service document. The notice states that rent of \$990.00 was unpaid that was due on July 1, 2012. The stated effective date of the notice is July 19, 2012.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,940.00, which consist of \$950.00 for unpaid rent for July 2012 and \$990.00 for

August 2012. The Landlord states that as of the date of this hearing the Tenant has not paid any rent since being served with the 10 day notice to end tenancy for unpaid rent. The Landlord also states that when he received the email response from the Tenant on August 2, 2012 that she was no longer a Tenant, he posted a notice to enter the rental unit sometime between August 7 and 10, 2012 when he viewed the unit. The Landlord states that he viewed the unit at that time and thinks that the Tenant has vacated the rental unit, but is unsure as most of the furniture is gone, but that lots of the Tenant's belongings are still there. The Landlord also states that a rent increase was imposed on the anniversary date of the start of the tenancy of \$40.00, making the monthly rent \$990.00 as of July 1, 2012. The Landlord has submitted a copy of the signed tenancy agreement and a copy of a resident ledger. The Landlord clarified that for July 2012 rent that the Landlord is only seeking \$950.00 of the \$990.00 amount on the notice was because the Tenant made a \$40.00 overpayment previously on her rent account.

I find based on both the documentary evidence and the undisputed testimony of the Landlord that the Tenant was properly 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 has not filed for dispute resolution to dispute the notice. The Tenant has not communicated any notice to the Landlord. 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 Small Claims Division of the Provincial Court.

As for the monetary order, I find that the Landlord has established a claim for unpaid rent of \$1,940.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord a monetary order under section 67 for the balance due of \$1,990.00. 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 \$1,990.00.

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 29, 2012.

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Residential Tenancy Branch