

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order request 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 and did not submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing and evidence package in person on October 3, 2012. The Landlord's witness, J.G. states that she was present when the Tenant was served with the complete package at the front door. As such, I am satisfied based upon the undisputed testimony that the Tenant was properly served with the notice of hearing and evidence package submitted.

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 September 1, 2009 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$650.00 payable on the 1st of each month and a security deposit of \$325.00 was paid on August 31, 2009.

The Landlord states that the Tenant was served with a 10 day notice to end tenancy dated September 27, 2012 by personally leaving it with the Tenant with a witness. The Landlord has submitted a copy of the proof of service document in support. The effective date of the notice is October 7, 2012. The Tenant did not pay the outstanding rent and did not make an application for dispute resolution within 5 days. The Tenant by failing to do so is presumed to accept that the Tenancy is at an end. I am satisfied based upon the undisputed testimony of the Landlord that a claim for an order of possession has been established. The Landlord is granted an order of possession for unpaid rent. 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.

The Landlord seeks a monetary order for \$650.00 in unpaid rent for October 2012 which is currently in arrears. The Landlord states that the Tenant has failed to pay any rent since being served with the 10 day notice to end tenancy for unpaid rent up until the date of this hearing. I am satisfied that the Landlord has established a claim for unpaid rent of \$650.00 for October 2012. The Landlord is also entitled to recovery of the \$50.00 filing fee. I grant the Landlord an order under section 67 for the balance due of \$700.00. 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 \$700.00.

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: November 06, 2012.

Residential Tenancy Branch