



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 1:13 p.m. in order to enable her to connect with this teleconference hearing scheduled for 1:00 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that she posted a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenant's door on November 6, 2012. In the copy of that Notice the landlord entered into written evidence, a witness signed as having observed the landlord's posting of this Notice on the tenant's door. The landlord entered sworn testimony and written evidence that she sent the tenant a copy of the dispute resolution hearing package by registered mail on November 23, 2012. She provided a Canada Post Tracking Number and Customer Receipt to confirm this registered mailing. I am satisfied that the landlord served the above documents in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This six-month tenancy for the landlord's trailer in a manufactured home park commenced on October 1, 2012. Monthly rent for this trailer is set at \$950.00, payable in advance on the first of each month. Although the landlord testified that their tenancy agreement called for the tenant's payment of a \$500.00 security deposit, the landlord said that she never received any security deposit payment from the tenant.

The landlord's application for a monetary award of \$2,850.00 included requested rent for the months of November 2012, December 2012 and January 2013. The landlord also applied for recovery of her \$50.00 filing fee for her application.

Analysis

The tenant failed to pay the November 2012 rent in full within five days of being deemed to have received the 10 Day Notice. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenant's failure to take either of these actions within five days led to the end of her tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by November 19, 2012. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

I also find that the landlord is entitled to a monetary award of \$2,850.00 for unpaid rent owing for November 2012, December 2012 and January 2013. As the landlord has been successful in her application, I allow her to recover her \$50.00 filing fee from the tenant.

Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary Order in the landlord's favour under the following terms, which allows the landlord to recover unpaid rent and her filing fee:

Item	Amount
Unpaid November 2012 Rent	\$950.00
Unpaid December 2012 Rent	950.00
Unpaid January 2013 Rent	950.00
Recovery of Filing Fee for this application	50.00
Total Monetary Order	\$2,900.00

The landlord is provided with these Orders in the above terms and the tenant must be served with a copy of these Orders as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders of that Court.

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: January 03, 2013

Residential Tenancy Branch

