



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Park Royal Ventures  
and [tenant name suppressed to protect privacy]

## **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 and did not submit any documentary evidence. The Landlord states that the Tenant was served with the Notice of Hearing Package and documentary evidence by Canada Post Registered Mail on March 22, 2013 and has submitted the Canada Post Registered Mail Customer Tracking Receipt as confirmation. I am satisfied based upon the undisputed evidence that the Tenant was properly served with the notice of hearing and evidence package on March 22, 2013.

### 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 February 1, 2012 on a fixed term tenancy ending on January 31, 2013 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The current monthly rent is \$2,018.00 payable on the 1<sup>st</sup> of each month.

The Landlord states that a 10 day notice to end tenancy issued for unpaid rent dated February 12, 2013 was posted to the rental unit door on the same date. The notice states that rent of \$2,373.00 was due on February 1, 2013. The stated effective date of the notice is February 25, 2013. The Landlord states the Tenant made a late payment of \$1,000.00 on March 13, 2013 for which a receipt was issued "for use and occupancy

only". The Landlord states that no other payments have been made by the Tenant. The Landlord seeks an order of possession and a monetary order for unpaid rent. The Landlord states that the current arrears owed by the Tenant is \$4,319.00 which consists of \$173.00 for February rent,\$2,018.00 for March rent, \$55.00 for March parking fees, \$2,018.00 for April rent and \$55.00 for April parking fees.

### Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent on February 12, 2013 by posting it to the rental unit door. The Tenant failed to pay the rent or file an application for dispute resolution within the allowed 5 day period. The Tenant is presumed to have accepted that the Tenancy was ending. The Landlord is entitled to an order of possession. This 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 claim, I find based upon the undisputed notice and the Tenant Rental Ledger submitted by the Landlord that the Tenant has failed to pay the rent owed. I find that the Landlord has established a claim for \$4,319.00. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$4,369.00. 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 \$4,369.00.

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: April 18, 2013

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Residential Tenancy Branch