



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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 or submit any documentary evidence. The Landlord states that the Tenant was served with the notice of hearing package and evidence by Canada Post Registered Mail on April 3, 2013 and has submitted a copy of the Customer Receipt Tracking No. as confirmation. I am satisfied based upon the evidence submitted by the Landlord that the Tenant was properly served with the notice of hearing and evidence package.

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 April 4, 2012 on a fixed term tenancy ending on March 31, 2013 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$1,375.00.

The Landlord states that the Tenants were served with the 10 day notice to end tenancy issued for unpaid rent dated March 19, 2013 on the same date by posting it to the rental unit door with a witness. The Landlord has submitted a proof of service document as confirmation. The notice states that unpaid rent amount of \$2,059.00 which the Landlord has clarified that is for \$1,359.00 for rent arrears (\$107.00 @ 11 months and \$182.00 @ 1 month), late rent fees of \$300.00 (\$25.00 @ 12 months) and \$400.00 for garbage removal fees. The Landlord states that the Tenants have been continuously late paying rent since the beginning of the Tenancy every month. The stated effective date of the notice is March 29, 2013.

The Landlord has clarified in his direct testimony that rent arrears total \$1,359.00, \$300.00 for late rent fees and unpaid rent for April 2013 of \$1,375.00 and is seeking a total monetary claim of \$3,034.00.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenants were properly served with the 10 day notice to end tenancy issued for unpaid rent on March 19, 2013. The Tenants failed to pay the amount owed and did not file an application for dispute resolution to dispute the notice. The Tenants are presumed to have accepted that the Tenancy is at an end. The Landlord has established a claim for an order of possession. The Landlord is granted an order of possession. This order must be served upon the Tenants. Should the Tenants 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 monetary claim for \$3,034.00 in unpaid rent based upon the Landlord's undisputed evidence. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$3,084.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The Landlord made an oral claim during the hearing for a garbage removal fee of \$400.00. As this was not part of Landlord's Application and no details of this was included, this portion of the Landlord's Application is dismissed with leave to reapply.

Conclusion

The Landlord is granted an order of possession and a monetary order for \$3,084.00.

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 17, 2013