



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent, for money owed or compensation for damage or loss and 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 by Canada Post Registered Mail on May 28, 2013 and has provided in his direct testimony the Canada Post Customer Receipt Tracking number as confirmation. The Landlord states that as of the date of this hearing, the Tenant was still occupying the rental unit. I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served with the notice of hearing package and submitted documentary evidence as stated in the Landlord's direct testimony by Canada Post Registered Mail on May 28, 2013 as deemed under the Act.

### 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 October 1, 2009 on a fixed term tenancy ending on September 30, 2010 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$1,450.00 payable on the 1<sup>st</sup> of each month and a security deposit of 725.00 was paid on September 29, 2009.

The Landlord states that a 10 day notice to end tenancy issued for unpaid rent dated May 3, 2013 was served upon the Tenant by Canada Post Registered Mail on May 15, 2013. The notice shows that \$1,450.00 was due on May 1, 2013 and was unpaid. The notice shows an effective date of May 13, 2013.

The Landlord seeks an order of possession and a monetary order for unpaid rent for May and June of \$2,900.00. The Landlord states that as of the date of this hearing that no rent has been paid since the notice was served on May 15, 2013. The Landlord states that the Tenant is still occupying the rental unit.

### Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was served with the 10 day notice to end tenancy for unpaid rent dated May 3, 2013 on May 15, 2013. The Tenant is deemed to have been served on May 20, 2013 as per the Act following serving by Registered Mail. The Tenant has failed to pay rent within the allowed time frame (5 days) from May 20, 2013 or file for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the Tenancy ended. The effective date of the notice is corrected to May 30, 2013. The Landlord is entitled to an order of possession. The Tenant must be served with the Order. 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 of \$2,900 for unpaid rent, I find based upon the undisputed evidence of the Landlord that a claim for unpaid rent has been made for May \$1,450.00 and June \$1,450.00 rent. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$2,950.00. 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 \$2,950.00.

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: June 25, 2013

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Residential Tenancy Branch

