



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 with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on November 29, 2013. The Landlord also states that he personally served the Tenant with the notice of hearing package in person to the Tenant and posted it to the rental unit door on the same date. I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served.

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

The Landlord stated in his direct testimony that this Tenancy began on October 1, 2013 and that there is no signed tenancy agreement. The monthly rent is \$550.00 payable on the 1st of each month and a security deposit of \$275.00 was paid by the Tenant.

The Landlord states that a 10 day notice to end tenancy issued for unpaid rent dated November 13, 2013 was served upon the Tenant in person as well as by posting it to the rental unit door on November 13, 2013. The notice states that the Tenant failed to

pay rent of \$550.00 that was due on November 1, 2013. The notice also displays an effective end of tenancy date of November 23, 2013.

The Landlord states that the Tenant has failed to pay rent since this notice was served and is currently still occupying the rental unit as of the date of this hearing. The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,650.00 consisting of unpaid rent for 3 months (November, December and January).

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant has been properly served with the 10 day notice to end tenancy dated November 13, 2013. The Tenant has failed to pay all of the rent owed within the allowed timeframe nor have they filed an application for dispute resolution to dispute the notice. The Tenant is conclusively presumed to have accepted that the tenancy was at an end. The Landlord is granted an order of possession. 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.

As for the monetary claim, I find based upon the undisputed evidence of the Landlord that the Tenant has failed to pay the rent owed of \$1,650.00 @ \$550.00 per month for 3 months. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$1,700.00. 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 \$1,700.00.

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: January 22, 2014

Residential Tenancy Branch

