



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPC, ET, MND, MNDC

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent and for an early end to the tenancy; a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement; for damage to the rental unit; and to recover the filing fee associated with this application.

The landlord participated in the hearing and provided affirmed testimony. He testified that he served the Notice of a Dispute Resolution Hearing to the tenant by way of registered mail sent on October 27<sup>th</sup>, 2011, and provided a Canada Post tracking number with confirmation of successful delivery. The tenant did not participate and the hearing proceeded in the tenant's absence.

At the outset the tenant stated that the tenant continues to live at the rental unit, and that he was withdrawing the aspect of his application that deals with his monetary claim against damages.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The rental unit consists of a single detached home. The landlord testified that the tenant is his daughter and that there was no written agreement. He stated that the tenancy started on or about July 2006 and that the rent is currently \$1200.00 per month.

The landlord testified that the tenant has not moved out of the unit yet. He said that he served the 10 Day Notice to End Tenancy by registered mail sent on October 19<sup>th</sup>, 2011 for unpaid rent in the amount of \$600.00. The landlord said that the tenant did not pick up her mail and that he served the notice in person on or about October 24<sup>th</sup>, 2011.

### Analysis

I accept the landlord's undisputed testimony that he served the tenant with the Notice of Dispute Resolution in a proper manner pursuant to section 89 of the *Residential Tenancy Act*. I find that the tenant knew, or ought to have had knowledge of the date scheduled for this hearing.

Section 46(5) of the *Residential Tenancy Act* provides that if a tenant who has received a notice to end tenancy for non-payment of rent does not pay the rent or makes an application for dispute resolution within 5 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. The tenant in this matter has not filed an application for dispute resolution.

On that basis I find that the landlord is entitled to an Order of Possession and a monetary order for unpaid rent in the amount stated on the notice.

### Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The landlord established a claim of \$600.00. Since he was successful, the landlord is entitled to recover the \$50.00 filing fee and pursuant to Section 67 of the Act, I grant the landlord a monetary order for the sum of \$650.00.

Section 60(1) of the Act provides also for the landlord to make an application for dispute resolution over matters related to the tenancy within two years after the tenancy ends. The landlord is entitled to claim monetary compensation against the tenant for any damages alleged, and to submit relevant evidence at that time.

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: November 08, 2011.

---

Residential Tenancy Branch