



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPC; MNR; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that he attempted to hand the Notice of Hearing documents to the Tenant on June 15, 2012, but she refused to accept them. He testified that the Notice of Hearing documents were mailed to the Tenants, via registered mail, to the rental unit on June 15, 2012. The Landlord provided the registered mail receipt and tracking number in evidence.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

The Landlord's agent testified that he left copies of the Landlord's documentary evidence under the Tenant's door on June 25, 2012, and mailed another set of copies by regular mail the same day.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order for unpaid rent for the months of May and June, 2012?

Background and Evidence

The Landlord's agent gave the following testimony and evidence:

Monthly rent is subsidized. The Tenant currently pays \$328.00 per month, due the first day of each month. A copy of the tenancy agreement was provided in evidence.

On April 20, 2012, the Landlord's agent served the Tenant with a One Month Notice to End Tenancy for Cause (the "Notice"), by posting the Notice on the Tenant's door at the rental unit with a witness present. A copy of the Notice was provided in evidence. The Tenant has not disputed the Notice.

The Landlord's agent testified that the Tenant did not pay rent for the months of May or June, 2012. The Landlord's agent requested a monetary order for unpaid rent in the amount of **\$656.00**.

Analysis

I accept that the Landlord served the Tenant with the Notice to End Tenancy by posting the Notice on the Tenant's door on April 20, 2012. Pursuant to the provisions of Section 90 of the Act, service in this manner is deemed to be effected three days after posting the documents. The Tenant did not file for dispute resolution, within 10 days of receiving the documents. Therefore, pursuant to the provisions of Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on May 31, 2012. The Landlord is entitled to an Order of Possession and I make that Order, **effective 2 days after service of the Order upon the Tenant**.

I find that the Landlord is entitled to a monetary award for unpaid rent in the amount of **\$656.00**.

The Landlord has been successful in its application and I find that it is entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

Conclusion

I hereby grant the Landlord an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord a Monetary Order in the amount of **\$706.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

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: July 05, 2012.

Residential Tenancy Branch