



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mamele'awt Qweesome Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, OPB, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent 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 notice of hearing package was sent by Canada Post Registered Mail on July 17, 2013 for which a copy of the Customer Receipt Tracking number and online tracking were submitted as confirmation.

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 that the Tenant was served with a 10 day notice to end tenancy for unpaid rent dated June 10, 2013 by Canada Post Registered Mail on June 12, 2013. The Landlord has submitted a copy of a proof of service document which confirms this and the Customer Receipt Tracking number. The notice states that rent of \$544.00 was due on June 1, 2013 which was unpaid. The notice also states that the effective date of the notice would be June 20, 2013.

The Landlord states that the Tenant owes arrears for \$72.00 for May, \$472.00 for June, \$0.80 for July and \$472.00 for August totalling, \$1,016.80. The Landlord stated that other than a payment made by the ministry for July the Tenant has not made any other payments and currently occupies the rental unit. The Landlord stated that a receipt was issued for the partial payment in July for use and occupancy only.

The Landlord has also provided a copy of a written agreement with the Tenant to mutually end the tenancy on August 7, 2013 dated on July 30, 2013. The Landlord states that the Tenant did not move out on the agreed date.

Analysis

I accept the undisputed testimony of the Landlord and find that the 10 day notice to end tenancy for unpaid rent was properly served by Canada Post Registered Mail on June 12, 2013. The Tenant failed to pay the amount owed and did not file an application for a dispute resolution hearing 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.

The merits of the Landlord's claim for an order of possession based upon the mutual agreement to end the tenancy was not dealt with.

As for the monetary claim, I find based upon the undisputed testimony of the Landlord that a claim for \$1,016.80 for rent arrears has been established. The Landlord is also entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$1,066.80. 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 \$1,066.80.

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: August 20, 2013

Residential Tenancy Branch

