



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Mirae Investment Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR; MNR; MNDC, MNSD; 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 agents gave affirmed testimony at the Hearing.

The Landlord's agents testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental site on August 20, 2013. The Landlord provided the registered mail receipt and tracking numbers in evidence.

Based on the Landlord's agent's affirmed testimony and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents pursuant to the provisions of Section 82(1)(c) of the Act. 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.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

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

A copy of the tenancy agreement was provided in evidence. This tenancy began on August 15, 2012. Monthly rent is \$335.00, due the first day of each month. The tenancy agreement contains a term allowing for a \$25.00 fee for late fees.

In June, 2013, the Tenant did not pay rent when it was due. On July 26, 2010, the Landlord's agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by registered mail to the rental site.

The Tenant is still occupying the rental site and has not paid all of the outstanding rent or filed an application to dispute the Notice to End Tenancy. The Tenant made a payment of \$335.00 on August 23, 2013, which was accepted for use and occupancy only. The Landlord provided a copy of the receipt in evidence.

The Landlord provided the tenant ledger in evidence and seeks a monetary order, calculated as follows:

Month	Rent	Late fee	Payment	Balance	Running balance
Credit balance (April to May, 2013)					-\$15.00
May, 2013	\$335.00	\$25.00	\$335.00	\$25.00	\$10.00
Jun, 2013	\$335.00	\$25.00	\$50.00	\$310.00	\$320.00
Jul, 2013	\$335.00	\$25.00	0	\$360.00	\$680.00
Aug, 2013	\$335.00	\$25.00	\$335.00	\$25.00	\$705.00
Sep, 2013	\$335.00	\$25.00	0	\$360.00	\$1,065.00

The Landlord's agents requested an Order of Possession, effective October 15, 2013.

Analysis

I accept that the Landlord's agents' undisputed testimony in its entirety. I find that the Landlord served the Tenant with the Notice to End Tenancy by registered mail sent July 26, 2013. Therefore, pursuant to the service provisions of the Act, I find that service was effective on July 31, 2013. The Tenant did not pay all of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 39(4) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on August 10, 2013. I find that the Landlord is entitled to an Order of Possession.

I find that the Landlord did not provide sufficient evidence with respect to its claim for late fees for the month of May, 2013. The Landlord did not stipulate what day May's rent was paid. However, I accept the remainder of the Landlord's undisputed monetary claim and find that the Landlord is entitled to a monetary award in the amount of **\$1,040.00**.

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

Conclusion

I hereby provide the Landlord with an Order of Possession effective **1:00 p.m., October 15, 2013**. This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby provide the Landlord with a Monetary Order in the amount of **\$1,090.00** 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 *Manufactured Home Park Tenancy Act*.

Dated: September 27, 2013

Residential Tenancy Branch

