



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Elizabeth Manor
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. Agents for the landlord attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenant did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "successfully delivered."

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on April 1, 2013. Monthly rent of \$875.00 is due and payable in advance on the first day of each month, and a security deposit of \$437.50 was collected.

Arising from rent which remained unpaid when due on September 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated September 3, 2013. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is September 13, 2013. Subsequently, the tenant made no further payment toward rent and she appears to have abandoned the unit, even while some of her possessions remain within. While no forwarding address was provided by the

tenant, her whereabouts are known to the landlord and it is her actual current address at which she was successfully served with the hearing package.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated September 3, 2013. The tenant did not pay the full amount of outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for the monetary order, I find that the landlord has established a claim of **\$1,850.00**, which is calculated as follows:

\$875.00: *unpaid rent for September*
\$25.00: *fee assessed for late payment of rent*
\$875.00: *unpaid rent / loss of rental income for October*
\$25.00: *fee assessed for late payment of rent*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$437.50**, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$1,412.50** (\$1,850.00 - \$437.50).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,412.50**. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court 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: October 24, 2013

Residential Tenancy Branch

