



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated September 5, 2013 and for a monetary award for unpaid September rent of \$925.00.

The tenant did not attend the hearing though served by registered mail. The Canada Post shows that the mail went “unclaimed by recipient.” I find the tenant was duly served in accordance with s. 90 of the *Residential Tenancy Act* (the “Act”) deemed to have been received by the tenant on September 8, 2013.

According to the landlord’s representative Ms. S. the tenant paid the September rent on October 1. However, he did not pay the amount demanded in the ten day Notice within five days after being deemed to have received it, nor did he apply to cancel that Notice. As a result, by operation of s.46 of the *Act*, this tenancy ended on September 19, 2013 and the landlord is entitled to an order of possession.

The rent claimed by the landlord has now been paid and so I grant no monetary award, but for recovery of the \$50.00 filing fee for this application, which I authorize the landlord to deduct from the security deposit it holds, in full satisfaction of the fee.

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 29, 2013

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Residential Tenancy Branch

