



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Farwest Investments Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR; MNR; FF

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; 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 unit on October 17, 2013. The Landlord's agents provided the tracking numbers for the registered documents. A search of the Canada Post tracking system indicates that the documents were successfully delivered to the Tenant on October 18, 2013.

I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his 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:

Monthly rent is \$840.00 per month, due the first day of each month. The Tenant paid a security deposit in the amount of \$420.00 at the beginning of the tenancy.

The Landlord receives \$420.00 of the monthly rent directly from another source, on the Tenant's behalf. The Tenant did not pay rent in full on October 1, 2013. On October 3, 2013, the Landlord issued a Notice to End Tenancy for Unpaid rent (the Notice) and posted the Notice to the Tenant's door with a witness present.

The Tenant has not paid any of the outstanding rent for October, 2013. The Landlord received partial rent for November from the Ministry, in the amount of \$420.00, but nothing from the Tenant.

The Landlord's agents requested a monetary order for unpaid rent and loss of rent, as follows:

Unpaid rent for October, 2013	\$420.00
Loss of revenue for November, 2013	<u>\$420.00</u>
TOTAL	\$840.00

The Landlord's agents asked to apply the security deposit towards partial payment of the Landlord's monetary award.

### **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 October 3, 2013. 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 pay all of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on October 16, 2013.

I find that the Landlord is entitled to an Order of Possession and a Monetary Order for unpaid rent and loss of revenue in the amount of \$840.00.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary award. No interest has accrued on the security deposit.

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.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Monetary award	\$840.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$890.00
Less security deposit	<u>- \$420.00</u>
<b>TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF</b>	<b>\$470.00</b>

**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 **\$470.00** 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: November 15, 2013

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Residential Tenancy Branch

