



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, FF

### Introduction

This is an application filed by the Landlord for an order of possession 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 Tenant was personally served with the notice of hearing package and the submitted documentary evidence on December 31, 2013 with his wife, R.D. as a witness. The Landlord has submitted a written statement by R.D. as proof of service. I am satisfied based upon the undisputed testimony of the Landlord that the Tenant has been properly served.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

### Background and Evidence

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated December 15, 2013 by posting it to the rental unit door. The notice states that the Tenant failed to pay rent of \$300.00 that was due on December 1, 2013. The stated effective end of tenancy date was December 25, 2013. The Landlord also states in his direct testimony that there was no signed tenancy agreement and that monthly rent was \$1,900.00 and that a security deposit of \$950.00 was paid.

The Landlord states that the Tenant is still occupying the rental unit as of the date of this hearing and requests an order of possession.

At the end of the hearing time, a person calling into the line identified themselves as Shawn stating that he was a representative of the Tenant as the Tenant a telephone phobia.

### Analysis

I accept the undisputed testimony of the Landlord and find that a 10 day notice to end tenancy issued for unpaid rent was served upon the Tenant by posting it to the rental unit door on December 15, 2013. This is supported by the written letter provided by the Landlord's witness, B.J. He also mentions that photographs of the notice being posted were taken. The Landlord has submitted photographs of the service via facsimile. The photographs provide no relevant details to support the Landlord's claim. I find based upon the undisputed testimony of the Landlord that all of the rent owed has not been paid and the Tenant has not filed an application for dispute resolution 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 Landlord having been successful in the application is entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$50.00. 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 \$50.00.

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: January 15, 2014

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Residential Tenancy Branch

