



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Rockwell Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order 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 served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on November 21, 2013 and has provided a copy of the Customer Receipt Tracking number as confirmation. The Landlord states that an online search of the Canada Post website states that the Tenant picked up the package on November 25, 2013.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession?  
Is the Landlord entitled to a monetary order?

### Background and Evidence

The Landlord states that the Tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated November 4, 2013 on November 4, 2013 by personally delivering it to the Tenant. The notice states that the Tenant failed to pay rent of \$800.00 that was due on November 1, 2013. The notice also states an effective date of November 15, 2013. The Landlord states in his direct testimony that the Tenant failed to pay November rent of \$800.00. The Landlord states that the Tenant paid rent late for December 2013 of \$800.00 on December 2, 2013 for which the Tenant was issued a receipt "for use and occupancy only". The Landlord states that the Tenant still occupies the rental unit and has failed to pay rent of \$800.00 for January 2014. The Landlord stated in his direct testimony that there is a signed tenancy agreement which allows for a \$25.00 late/NSF charge. The Landlord states that a subsequent 10 day notice to end tenancy for unpaid rent dated January 2, 2014 was issued and served upon the Tenant.

The Landlord states that the Tenant still occupies the rental unit and has not paid any other rents.

The Landlord seeks an order of possession and a monetary order for unpaid rent of \$1,625.00. This consists of unpaid rent of \$800.00 for November, a \$25.00 late rent fee for November and \$800.00 for unpaid rent for January 2014.

### Analysis

I accept the undisputed evidence of the Landlord and find that the Tenant has been properly served with a 10 day notice to end tenancy issued for unpaid rent on November 4, 2013. The Tenant failed to pay the amount owed and has not applied to dispute the notice to end tenancy. The Tenant is conclusively presumed to have accepted that the tenancy is at an end. The Landlord is granted an order of possession. The order of possession must be served upon the Tenant. Should the Tenant fail to comply this order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary claim, I find based upon the undisputed evidence of the Landlord that a claim has been established for unpaid rent of \$1,600.00 for November and January. The Landlord has also established a claim for \$25.00 for a late rent fee for November. The Landlord is entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order for \$1,675.00. 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 \$1,675.00.

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 14, 2014

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Residential Tenancy Branch

