



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding North Park Manor Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC; MNR; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for loss of revenue; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent TG gave affirmed testimony at the Hearing.

TG testified that the Notice of Hearing documents (which included the Landlord's amended Application for Dispute Resolution) and copies of the Landlord's documentary evidence were mailed to the Tenant, via registered mail, to the rental unit on January 15, 2014. TG provided the tracking numbers for the registered documents. TG testified that the documents were returned to the Landlord, unclaimed.

Based on TG's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail, in accordance with the provisions of Section 89(1)(c) of the Act. Service in this manner is deemed to be effected 5 days after mailing the documents. Failure to accept delivery does not affect the service provisions of the Act. Despite being duly 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 award for loss of revenue for the month of February, 2014?

Background and Evidence

The Landlord's agent TG gave the following testimony:

- The rental unit is subsidized. Current monthly rent is \$430.00, due the first day of each month. The Tenant was not required to pay a security deposit.

- The Landlord issued a Notice to End Tenancy for Cause on November 4, 2014 (the "Notice"), because the Tenant had seriously jeopardized the health or safety or lawful right of another occupant or the Landlord. A copy of the Notice was provided in evidence.
- TG served the Tenant with the Notice on November 4, 2013, by handing the document to the Tenant. The Landlord's agent JL was a witness.
- The Tenant has not disputed the Notice. The Tenant remains in the rental unit. TG asked for an Order of Possession effective February 24, 2014.
- The Tenant paid for use and occupancy of the rental unit up to and including the month of January, 2014. The Tenant has not paid anything for the month of February, 2014. The Landlord seeks a monetary award in the amount of \$430.00 for loss of revenue for the month of February, 2014.

Analysis

I accept that the Landlord's agent's undisputed affirmed testimony in its entirety. I find that the Landlord served the Tenant with the Notice on November 4, 2013. The Tenant did not file for dispute resolution within 10 days of receiving the documents. Therefore, pursuant to Section 47(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on December 31, 2013. I find that the Landlord is entitled to an Order of Possession and I make that Order effective **1:00 p.m., February 24, 2014.**

I find that the Landlord's agent has also established a monetary claim for loss of revenue in the amount of **\$430.00.**

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.

Conclusion

I hereby grant the Landlord an Order of Possession effective **1:00 p.m., February 24, 2014.** This Order must be served on the Tenant and 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 **\$480.00** 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: February 18, 2014

Residential Tenancy Branch

