



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR; MNR; MNDC; 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 agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on January 22, 2014. The Landlord provided the tracking numbers for the registered documents. The Landlord's agent stated that the documents were returned unclaimed on February 11, 2014. On February 18, 2014, the Landlord's agent left the documents in the Tenant's mailbox at 1:20 p.m. with a witness present.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. I also accept the Landlord's agent's testimony that the documents were also placed into the Tenant's mailbox at the rental unit. The Tenant did not sign into the teleconference and the Hearing proceeded in her 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 agent gave the following testimony and evidence:

The rental unit is in subsidized housing. The Tenant's subsidized rent is \$395.00 per month, due the first day of each month. No security deposit was required.

On November 8, 2013, the Landlord's agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by mailing the Notice to the Tenant at the rental unit. A copy of the Notice was provided in evidence.

On December 9, 2013, the Landlord's agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by mailing the Notice to the Tenant at the rental unit. A copy of the Notice was provided in evidence.

The Landlord's agent testified that the Tenant has not been communicating with the Landlord. She testified that the Tenant is still living in the rental unit and has not paid any of the outstanding arrears.

The Landlord's agent requested a monetary award for unpaid rent and loss of revenue, as follows:

Unpaid rent as at November 7, 2013	\$362.00
Loss of revenue for December, 2013	\$395.00
Loss of revenue for January, 2014	\$395.00
Loss of revenue for February, 2014	\$395.00
Loss of revenue for March, 2014	<u>\$395.00</u>
TOTAL AMOUNT CLAIMED	\$1,942.00

Analysis

I accept that the Landlord served the Tenant with the Notice to End Tenancy issued November 7, 2013, by mailing the Notice to the Tenant on November 8, 2013. Pursuant to the provisions of Section 90 of the Act, service in this manner is deemed to be effected five days after mailing 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 November 23, 2013. I find that the Landlord is entitled to an Order of Possession.

The Landlord's application indicates that it is seeking unpaid rent and loss of revenue to and including February, 2014,; however, the Landlord's agent requested compensation for loss of revenue for the month of March, 2014, as well. The Tenant is overholding, and therefore I amended the application to include loss of revenue for March, 2014. I find that the Landlord is entitled to a monetary award for unpaid rent and loss of revenue in the amount of **\$1,942.00**.

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 **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 **\$1,992.00** 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: March 05, 2014

Residential Tenancy Branch

