



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

### Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail on each tenant, neither tenant appeared. Evidence provided by the landlord includes the Canada Post tracking numbers for both pieces of Registered Mail. The Canada Post website confirms that the items were accepted at the Post Office on February 18, 2014. Pursuant to section 90 of the Act which speaks to **When documents are considered to have been received**, I find that for the purposes of the Act both hearing packages were served on February 24, 2014.

### Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on January 01, 2012. Monthly rent of \$1,200.00 is due and payable in advance on the first day of each month. Pursuant to the tenancy agreement the tenants are responsible for the water and hydro utilities. A security deposit of \$600.00 was collected.

Arising from rent and utilities which remained unpaid when due on February 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent (\$10,800.00) or utilities (\$1,835.77) dated February 07, 2014. The notice was served by way of registered mail. Evidence provided by the landlord includes the Canada Post tracking number for the Registered Mail. The Canada Post website confirms that the notice was accepted at the Post Office on February 07, 2014. Pursuant to section 90 of the Act

which speaks to **When documents are considered to have been received**, I find that for the purposes of the Act, the notice was served on February 12, 2014. The landlord testified that the tenants have subsequently made no payment toward rent or utilities, and that rent for March is now also overdue.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent or utilities dated February 07, 2014. The tenants did not pay the outstanding rent or utilities within 5 days of receiving the notice, and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for compensation, I find that the landlord has established a claim of **\$13,935.77**:

\$10,800.00: *unpaid rent effective February 01, 2014*

\$1,200.00: *unpaid rent for March 2014*

\$1,835.77: *unpaid utilities*

\$100.00: *filing fee*

I order that the landlord retain the security deposit of **\$600.00**, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$13,335.77** (\$13,935.77 - \$600.00).

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. Should the tenants 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$13,335.77**. This order may be served on the tenants, filed in the Small Claims Court 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 06, 2014

---

Residential Tenancy Branch

