



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed testimony. The tenants did not attend or submit any documentary evidence. The landlord states that the tenants were served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on February 15, 2014. The landlord has submitted a copy of the Customer Receipt Tracking number as confirmation and as well states that an online search on the Canada Post website states that the tenants signed for the package on February 18, 2014.

At the beginning of the hearing the landlord stated that he wished to withdraw the monetary claim as the tenant has paid for the rent arrears of \$315.00 on March 15, 2014. As such, no further action is required for this portion of the claim.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord states that the monthly rent is \$885.00 and that a security deposit of \$442.50 was paid in September of 2011.

The landlord states that the tenant failed to pay all of the rent for November 2013, leaving an outstanding balance of \$65.00, for December 2013 \$80.00 and for January 2014 of \$90.00, for February 2014 of \$80.00, leaving total arrears at \$315.00.

The landlord states that a 10 day notice to end tenancy issued for unpaid rent dated February 3, 2014 was personally served upon the tenant on February 5, 2014. The

notice states that the tenant failed to pay rent of \$315.00 that was due on February 1, 2014. The notice displays an effective end of tenancy date of February 13, 2014.

The landlord stated that the tenant paid the outstanding rent of \$315.00 as of March 15, 2014 and still seeks an order of possession as the tenant failed to pay the arrears within the allotted 5 days.

Analysis

I accept the undisputed testimony of the landlord and find that the 10 day notice to end tenancy issued for unpaid rent dated February 3, 2014 was properly served in person to the tenant. The landlord has established that since the tenant failed to pay the rent arrears within the allotted 5 days as per the notice is entitled to an order of possession. The tenant is conclusively presumed to have accepted that the tenancy ended on February 13, 2014 as the rent arrears were not paid within the time frame nor did the tenants file an application for dispute resolution to dispute the notice. The landlord is granted an order of possession. This order must be served upon 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.

The landlord is also entitled to recovery of the \$50.00 filing fee. I grant a monetary order for \$50.00 to the landlord. 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: April 04, 2014

Residential Tenancy Branch

