



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Native Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

Two representatives of the landlord attended the teleconference hearing and gave evidence. The tenant did not attend. The landlord gave evidence that the tenant was served with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail on March 4, 2014. I find that the tenant was properly served.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord gave evidence that the tenant was obligated to pay rent of \$550.00 monthly in advance. The tenant also paid a security deposit of \$294.00.

The landlord gave evidence that the tenant was served with a Notice to End Tenancy for Unpaid Rent (the "Notice") by posting the Notice on the tenant's door on February 7, 2014. Section 90 provides that a notice served in this manner is deemed to be received by the tenant three days later, on February 10, 2014.

The landlord gave evidence that the Notice stated the tenant failed to pay \$1,100.00 in rent that was due on February 1, 2014. The landlord's evidence is that the tenant did not pay any rent for January or February 2014. The landlord gave evidence that the tenant has made no further rent payments.

The landlord gave evidence that the tenant had allowed another person to move into the rental unit, and that person told the landlord that he had paid rent to the tenant. Although that person has now vacated the rental unit, the tenant has not advised the landlords that she has vacated the rental unit or that she wishes to end her tenancy.

### Analysis

I find the tenant received the Notice on February 10, 2014. I accept the landlord's evidence that the tenant has made no further payments.

According to Section 46(5), if a tenant does not pay the rent or make application for dispute resolution within five days of receiving the Notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. For these reasons, I find that the landlord is entitled to an order of possession. I grant the landlord an order of possession which must be served on the tenant. Should the tenant fail to comply with the order, it may be filed for enforcement in the Supreme Court.

I accept the landlord's evidence that the tenant has not vacated the rental unit. For that reason, I find it is appropriate that I allow the landlords to amend their Application for Dispute Resolution to include a claim for March and April 2014 rent. The landlord is entitled to recover four months' rent (January, February, March, and April 2014), which totals \$2,200.00. The landlords are also entitled to recover their RTB filing fee of \$50.00.

The total due the landlord is \$2,250.00. I order that the landlord retain the security deposit of \$294.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,956.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### Conclusion

I grant the landlord an order of possession and a monetary order for \$1,956.00. The landlord is also entitled to retain the security deposit.

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 24, 2014

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Residential Tenancy Branch

