



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent 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 both tenants were served with the notice of hearing package and the submitted documentary evidence by Canada Post Registered Mail on April 25, 2014 and have provided copies of the Customer Receipt Tracking number as confirmation.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

This tenancy began on January 1, 2014 on a fixed term tenancy ending on December 31, 2014 as shown by the submitted copy of the signed tenancy agreement. The monthly rent is \$900.00 payable on the 1st of each month and a security deposit of \$450.00 was paid.

The landlord states that a 10 day notice to end tenancy issued for unpaid rent dated April 3, 2014 was served upon the tenant by posting it to the rental unit door. The notice states that the tenant failed to pay rent of \$1,800.00 that was due on April 1, 2014 and that the effective end of tenancy date is April 16, 2014.

The landlord states that 3 late rent payments were made totalling, \$1,350.00 for which invoice/receipts were issued for use and occupancy only. The landlord now seeks an amended monetary claim of \$900.00, down from the original \$2,250.00.

Analysis

I accept the undisputed evidence of the landlord and find that the tenants have been properly served with the 10 day notice to end tenancy issued for unpaid rent dated April 3, 2014 by posting it to the rental unit door. The tenants failed to pay the amount owed within the allowed time frame nor have they filed an application for dispute resolution to dispute the notice. The tenants are conclusively presumed to have accepted that the tenancy was at an end. 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.

As for the monetary claim, I find that the landlord has established a claim for \$900.00 in unpaid rent based upon the undisputed evidence submitted. The landlord is also entitled to recovery of the \$50.00 filing fee. The landlord is granted a monetary order under section 67 of the Act for \$950.00. 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 \$950.00.

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: June 13, 2014

Residential Tenancy Branch

