



# 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, FF

### Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent.

The landlord provided documentary evidence to confirm the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* by registered mail on June 6, 2014 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenant on the 5<sup>th</sup> day after it was mailed.

Based on the documentary evidence of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

At the outset of the hearing the landlord confirmed the tenant has vacated the rental unit as of July 2, 2014 and as such is no longer in need of an order of possession. I amend the landlord's Application to exclude the matter of possession.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

### Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on January 11, 2011 for a month to month tenancy beginning on February 1, 2011 for the monthly rent of \$550.00 due on the 1<sup>st</sup> of each month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on March 10, 2014 with an effective vacancy date of March 25, 2014 due to \$1,136.02 in unpaid rent.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on April 8, 2014 with an effective vacancy date of April 23, 2014 due to \$912.02 in unpaid rent.
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on May 9, 2014 with an effective vacancy date of May 24, 2014 due to \$723.02 in unpaid rent.

The landlord submits the tenant failed to pay the full rent owed for the months of March, April, and May 2014 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by mail on May 9, 2014.

The Notice states the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days. The landlord submits the tenant has also failed to pay rent for the month of June 2014.

### Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on May 14, 2014 and the effective date of the notice was May 24, 2014. I accept the evidence before me that the tenant failed to pay the rent owed in full within the 5 days granted under Section 46(4) of the *Act*.

Based on the foregoing, I find the tenant is conclusively presumed under Section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply

with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$779.25** comprised of rent owed and the \$50.00 filing fee paid by the landlord for this Application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: July 25, 2014

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Residential Tenancy Branch

