



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing was convened as a result of the Landlord's application for dispute resolution under the *Residential Tenancy Act* (the "Act") for an Order of Possession for unpaid rent or utilities.

The Landlord's agent, D.M., attended the teleconference hearing. The Tenant did not attend.

During the hearing D.M. was given the opportunity to provide his evidence orally. A summary of the testimony is provided below and includes only that which is relevant to the hearing.

As the Tenant did not attend the hearing, service of the Landlord's Application for Dispute Resolution and Notice of a Dispute Resolution Hearing was considered. D.M. testified that he served the Landlord's Application for Dispute Resolution and the Notice of Hearing on the Tenant by posting to the rental unit door on August 1, 2014. Section 90(c) provides that documents served in this manner are deemed served three days later; accordingly, I find that the Tenant was served as of August 4, 2014.

Issues to be Decided

Is the landlord entitled to an Order for Possession for unpaid rent?

Background and Evidence

D.M.'s testimony relevant to the tenancy is as follows:

1. The parties entered into an oral tenancy agreement approximately 5 years ago.
2. The Tenant originally occupied unit #3 until approximately 5-6 months ago when he moved into unit #7, the rental unit subject to this dispute.
3. The following amounts remain outstanding for rent payable by the Tenant:
 - a. \$430.00 for October 2012
 - b. \$550.00 for November 2013
 - c. \$50.00 for May 2014
 - d. \$550.00 for June 2014
 - e. \$550.00 for August 2014.

Total: \$2,130.00

4. D.M. issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated July 23, 2014 which indicates \$1,550.00 owing as of July 4, 2014 and has an effective vacancy date of August 8, 2014 (the "Notice"). The Notice was served on the Tenant dated by posting to the rental unit door.

The Landlord applied for dispute resolution on August 1, 2014. In the "Details of the Dispute" section on the application the Landlord noted: "Request order of Possession [sic] based on outstanding rent. Not persueing [sic] rent at this time".

D.M. confirmed the Landlord was not seeking a Monetary Order at this time.

Analysis

Based on the documentary evidence, undisputed testimony of D.M., and on the balance of probabilities, I find the following.

I am satisfied there is rent owing. The Notice indicated \$1,550.00 owing as of July 4, 2014 and D.M. testified that \$1,580.00 was, in fact, owing at that time. Nevertheless, the Landlord did not seek a Monetary Order and has leave to do so.

The Tenant did not pay the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the Landlord is entitled to an Order of Possession effective two (2) days after service. This Order of Possession may be filed in the Supreme Court and enforced as an order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: August 27, 2014

Residential Tenancy Branch

