



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

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

A representative for the landlord attended the teleconference hearing and gave evidence, however the tenant did not attend. The landlord gave evidence she served the tenant with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail. The landlord provided a tracking number which confirms a package was sent to the tenant on July 3, 2014. I find 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 for unpaid rent?

Background and Evidence

The landlord gave evidence that the tenancy started in November 2012 and the tenant was obligated to pay rent of \$500.00 monthly in advance on the first day of the month. He also paid a security deposit of \$250.00.

The landlord gave evidence that she served the tenant with a Notice to End Tenancy for Unpaid Rent (the "Notice") by registered mail on about May 30, 2014. The Notice indicates the tenant failed to pay rent of \$500.00 that was due May 1, 2014 and specifies an effective date, or move-out date, of June 2, 2014. The landlord provided a Canada Post tracking number which confirms a package was sent to the tenant on May 29, 2014. Section 90 specifies that a document sent by registered mail is deemed to be received five days later.

The landlord gave evidence that the tenant has not made any further rental payments and continues to occupy the rental unit.

Analysis

I find the tenant received the Notice on June 3, 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. I note that the effective date on the Notice is deemed to be June 13, 2014 by the operation of Section 53. 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 continues to occupy the rental unit. For that reason, I find it is appropriate that I allow the landlord to amend their Application for Dispute Resolution to include a claim for unpaid rent for May, June, July, and August 2014 for a total of \$2,000.00. The landlord is also entitled to recover their RTB filing fee of \$50.00.

The total amount due the landlord is \$2,050.00. I order that the landlord retain the security deposit of \$250.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,800.00. 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 \$1,800.00. 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: August 14, 2014

Residential Tenancy Branch

