



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony. The tenant did not appear.

The landlord's agent testified that the application for dispute resolution and notice of hearing (the "hearing package") was served by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail. The Canada Post website informs that the item was "unclaimed by recipient" and that it was later "successfully returned to the sender."

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement the tenancy began on March 16, 2013. Monthly rent of \$1,250.00 is due and payable in advance on the first day of each month. Pursuant to a written parking agreement, monthly parking of \$45.00 is also due and payable in advance on the first day of each month. A security deposit of \$625.00 and a pet damage deposit of \$200.00 were collected.

Arising from rent which was unpaid when due on June 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 04, 2014. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate

the unit is June 14, 2014. Subsequently, the tenant has made no further payment toward rent and he continues to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated June 04, 2014. The tenant did not pay the outstanding rent within 5 days of receiving the notice, and the tenant did not apply to dispute the notice. The tenant 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. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for compensation, I find that the landlord has established a claim of **\$3,995.00** with respect to June & July & August 2014:

\$3,750.00: *(\$1,250.00 x 3) unpaid rent; \$60.00: (\$20.00 x 3) late payment fee*
\$135.00: *(\$45.00 x 3) parking; \$50.00: filing fee*

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$3,995.00**. This order may be served on the tenant, filed in the Small Claims Court and 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: August 25, 2014

Residential Tenancy Branch

