



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kekinow Native Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, OPR, MNR, FF, CNC, CNR

### Introduction

There are applications filed by both parties. The landlord seeks an order of possession as a result of a notice to end tenancy issued for cause and a notice to end tenancy issued for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee. The tenant seeks an order cancelling the notice to end tenancy issued for cause and an order cancelling the notice to end tenancy issued for unpaid rent.

The landlord attended the hearing by conference call and gave undisputed evidence. The tenant did not attend or submit any documentary evidence. The landlord states that she is aware of the tenant's application for dispute resolution and that the landlord's notice of hearing package was served upon the tenant by Canada Post Registered Mail on July 18, 2014 and the submitted documentary evidence was served upon the tenant by Canada Post Registered Mail on August 11, 2014. The landlord has provided the in her direct testimony the Customer Receipt Tracking number for both as confirmation.

At 10 minutes past the start of the hearing, the tenant's application for dispute resolution to cancel a notice to end tenancy issued for cause and a notice to end tenancy issued for unpaid rent were dismissed without leave to reapply as the tenant has failed to attend to put forth her dispute.

### 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 December 1, 2012 on a fixed term tenancy ending on November 30, 2013 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement dated November 11, 2012.

The landlord states that the tenant was served with a 1 month notice to end tenancy dated June 27, 2014 by posting it to the rental unit door. The notice displays an effective end of tenancy date of July 31, 2014. The notice also shows two reasons for cause selected as Tenant has engaged in illegal activity that has or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord and jeopardized a lawful right or interest of another occupant or the landlord.

The landlord also states that the tenant was served with a 10 day notice to end tenancy issued for unpaid rent dated July 4, 2014 which states that the tenant failed to pay rent of \$314.00 that was due on July 1, 2014. The notice also shows the effective end of tenancy date of July 14, 2014. The provided evidence that shows that the tenant was served with the notice by posting it to the rental unit door. The landlord states that since this notice was served the tenant has failed to pay any rent for July and August as of the date of this hearing.

The landlord clarified that the 10 day notice issued for unpaid rent seeking \$314.00 consisted of \$6.00 in rent arrears for June, \$308.00 for unpaid rent for July and \$308.00 for unpaid rent for August.

### Analysis

I accept the undisputed evidence of the landlord and find that the landlord has properly served the tenant with the 1 month notice to end tenancy issued for cause dated June 27, 2014 by posting it to the rental unit door. This is also shown in the tenant's abandoned application for dispute resolution filed by the tenant against a 10 day notice to end tenancy issued for unpaid rent and the 1 month notice to end tenancy. As the tenant has failed to attend in response to dispute the notice the landlord is granted an order of possession. The tenant must be served with the order of possession. 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.

As for the monetary claim, I accept the undisputed evidence of the landlord and find that a claim for unpaid rent totalling, \$622.00 has been established. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under

section 67 for the balance due of \$672.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant's application is dismissed.

The landlord is granted an order of possession and a monetary order for \$672.00.

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: August 19, 2014

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Residential Tenancy Branch

