



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes OPR MNR MNDC FF

Introduction

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

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on July 15, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on July 20, 2014, and I proceeded with the hearing in the absence of the tenant.

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

Rent in the amount of \$635 is payable in advance on the first day of each month. The tenant failed to pay full rent for several months and on May 13, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant did not pay the full outstanding rent within five days of having received the notice. At the time of the hearing, the tenant owed \$462.05 in unpaid rent.

The Landlord's evidence included the following:

- the landlord's testimony that the tenant's monthly rent of \$635 was due on the first of each month;

- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on May 13, 2014, with an effective vacancy date of May 24, 2014, for failure to pay rent in the amount of \$1090.31 that was due on May 1, 2014; and
- a copy of the Landlord's Application for Dispute Resolution, filed July 10, 2014.

Analysis

I accept that the tenant was served with the notice to end tenancy as declared by the landlord. I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that 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. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$462.05 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. 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.

I grant the landlord an order under section 67 for the balance due of \$512.05. This order may be 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: September 15, 2014

Residential Tenancy Branch

