



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Native Housing society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This is an application filed by the landlord for an order of possession and a monetary order for unpaid rent and recovery of the filing fee.

The landlord attended the hearing by conference call and gave undisputed testimony. The tenant did not attend or submit any documentary evidence. The landlord states that the tenant was served with the notice of hearing package by Canada Post Registered Mail on October 17, 2014. The landlord relies on submitted late evidence dated November 21, 2014 consisting of a printout from the Canada Post Website for Registered Mail showing that Canada Post received the package on dated October 17, 2014 and showed that attempted deliveries were made with notice cards left and that on October 28, 2014 a final notice was left that the package would be returned to the sender within 10 days if not picked up. The package was returned to the landlord on November 21, 2014. Included is a photocopy of the returned envelope from Canada Post showing it was unclaimed.

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 January 1, 2002 on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent is stated as \$930.00 payable on the 1st of each month and a security deposit of \$465.00 was paid. The landlord clarified in his direct testimony that monthly rent is dependent on the tenant's income and during the service of the unpaid rent, the tenant's monthly rent contribution is \$794.00.

The landlord states that a 10 day notice to end tenancy issued for unpaid rent dated August 8, 2014 was served on the tenant on August 8, 2014 by posting it to the rental unit door. The landlord has submitted a proof of service document which confirms that the notice was posted with a witness. The notice states that rent of \$2,274.00 was unpaid that was due on August 1, 2014. The notice also displays an effective end of tenancy date of August 22, 2014.

The landlord states that two subsequent 10 day notices to end tenancy issued for unpaid rent dated September 5, 2014 for \$3,068.00 and dated October 6, 2014 for \$3,862.00 were issued. The landlord states that as of the date of this hearing the tenant has failed to pay any rent and is still occupying the rental unit.

The landlord seeks an order of possession and a monetary order for unpaid rent of \$3862.00 for the months August, September and October.

Analysis

I accept the undisputed evidence of the landlord and find that the tenant has been properly served with the 10 day notice to end tenancy issued for unpaid rent dated August 8, 2014 by posting it to the rental unit door. The tenant still occupies the rental unit and has failed to pay any rent. I find that the tenant has neither paid the rent nor applied for dispute resolution to dispute the notices. The tenant is conclusively presumed to have accepted that the tenancy is at an end. The landlord is granted an order of possession. This order must be served upon 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.

As for the monetary claim, I find based upon the undisputed testimony and the submitted documentary evidence that the landlord has established a claim for \$3,862.00 in unpaid rent. Although the landlord has specified an amount of \$3,862.00 in the application, I award the recovery of unpaid November rent of \$794.00 as the tenant is still in occupation of the rental unit and the monthly unpaid rent is ongoing. The landlord is also entitled to recovery of the \$50.00 filing fee. The landlord is granted a monetary order for \$4,706.00. This order may be filed in the Small Claims Division of the Provincial Court of British Columbia and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$4,706.00.

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: November 27, 2014

Residential Tenancy Branch

