



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Stratatech Consulting Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR 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 tenants did not call into the hearing. The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on October 29, 2014. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on November 3, 2014, and I proceeded with the hearing in the absence of the tenants.

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

The tenants rent a site in a manufactured home park. Rent in the amount of \$335 is payable in advance on the first day of each month. The tenants failed to pay \$50 of the rent for March 2014, and then failed to make any rent payments after that date. On October 4, 2014 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the months of November and December 2014. The landlord stated that as of the hearing date, the tenants owed \$3065 in unpaid rent.

The Landlord's evidence included the following:

- a copy of a notice of rent increase confirming that as of May 1, 2014 the monthly rent was \$335;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on October 4, 2014, with an effective vacancy date of October 15, 2014, for failure to pay rent in the amount of \$2395 that was due on October 1, 2014;
- a Proof of Service of Notice to End Tenancy document showing that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the notice on the tenants' door on October 4, 2014; and
- a copy of the Landlord's Application for Dispute Resolution, filed October 28, 2014.

In the hearing the landlord stated that he would be willing to have the order of possession effective January 15, 2015.

Analysis

I have reviewed all evidence and I accept that the tenants were served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on October 7, 2014.

I accept the evidence before me that the tenants have failed to pay the rent owed within the five days granted under section 39(4) of the Act. I find that the tenants are conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on October 17, 2014, the corrected 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 \$3065 in unpaid rent and lost revenue up to and including December 2014. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective January 15, 2015. 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 60 for the balance due of \$3115. 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: December 3, 2014

Residential Tenancy Branch

