



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Metro Vancouver Housing Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR; MNR; MNDC; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents and copies of the Landlord's documentary evidence were mailed to the Tenant, via registered mail, to the rental unit on December 17, 2014. The Landlord's agent provided the tracking numbers for the registered documents. She stated that she checked the Canada Post Tracking System and confirmed that the Tenant received the documents.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence. The teleconference remained open for 12 minutes.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession and a Monetary Order?

Background and Evidence

The Landlord's agent gave the following testimony:

A copy of the tenancy agreement was provided in evidence. This tenancy began on May 1, 2014. Monthly rent is \$995.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$497.50 at the beginning of the tenancy.

The Tenant was injured at work and fell behind on his rent payments. The parties entered into a payment plan, a copy of which was provided in evidence. The Tenant did not adhere to the payment plan.

On December 3, 2014, the Landlord's agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by posting the Notice on the Tenant's door at the rental unit. The Tenant has not disputed the Notice and has not paid any of the outstanding rent.

The Landlord provided a copy of the Tenant's Resident Ledger in evidence. Landlord's agent requested a Monetary Order for unpaid rent, late charges and loss of revenue, as follows:

Unpaid rent as at December 1, 2014	\$3,970.00
Loss of revenue for January, 2015	\$995.00
Accumulated late fees (\$25.00 x 4 months)	<u>\$100.00</u>
TOTAL AMOUNT CLAIMED	\$5,065.00

The Landlord's agent asked to set off the security deposit against the Landlord's monetary award.

Analysis

I accept that the Landlord served the Tenant with the Notice to End Tenancy by posting the Notice on the Tenant's door on December 3, 2014. Pursuant to the provisions of Section 90 of the Act, service in this manner is deemed to be effected three days after posting the documents. The Tenant did not pay all of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on December 16, 2014. I find that the Landlord is entitled to an Order of Possession and a Monetary Order as requested.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary award.

The Landlord has been successful in its Application and I find that it is entitled to recover the cost of the \$100.00 filing fee from the Tenant.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Unpaid rent	\$3,970.00
Loss of revenue for January, 2014	\$995.00
Recovery of the filing fee	<u>\$100.00</u>
Subtotal	\$5,165.00
Less security deposit	<u>- \$497.50</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$4,667.50

Conclusion

I hereby grant the Landlord with an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord with a Monetary Order in the amount of **\$4,667.50** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: January 06, 2015

Residential Tenancy Branch

