



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kamloops & District Elizabeth Fry Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession and a monetary order due to unpaid rent.

The landlord submitted a signed written confirmation that on December 9, 2014 the landlord served the tenant with the Notice of Hearing Documents personally.

Based on the written submissions of the landlord, I find that the tenant has been sufficiently served with the notice of hearing documents pursuant to the *Act*.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee paid for this Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on September 23, 2014 for a month to month tenancy beginning on September 15, 2014 for the monthly rent of \$800.00 due on the 1st of each month and a security deposit of \$400.00 was paid;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on November 6, 2014 with an effective vacancy date of November 20, 2014 due to \$900.00 in unpaid rent; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on December 5, 2014 with an effective vacancy date of December 19, 2014 due to \$900.00 in unpaid rent.

Documentary evidence filed by the landlord indicates the tenant failed to pay the full rent owed for the months of September and November 2014 and that the tenant was

served the 10 Day Notice to End Tenancy for Unpaid Rent by posting it to the rental unit door on November 6, 2014.

The Notice states the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days. The landlord submits the tenant also failed to pay rent for the months of December 2014 and January 2015. The landlord seeks a monetary order in the amount of \$2,800.00.

Analysis

I have reviewed all documentary evidence and accept that the tenant has been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on November 9, 2014 and the effective date of the notice was November 20, 2014. I accept the evidence before me that the tenant failed to pay the rent owed in full within the 5 days granted under Section 46(4) of the *Act*.

Based on the foregoing, I find 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.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$2,850.00** comprised of rent owed and the \$50.00 filing fee paid by the landlord for this Application..

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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 07, 2015

