



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided proof of registered mail service, including the tracking information for the mail and indicating the tenant was sent the mail January 27, 2015. The landlord testified they sent to the tenant all evidence submitted to this hearing. In the absence of the tenant the landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The landlord submitted into evidence a copy of a 2015 BC Assessment - Property Assessment Notice indicating that the landlord of this matter is the registered owner of the dispute address property. The landlord claims they submitted this evidence as, in a prior Arbitration, the tenant had claimed that they are the owner of the rental unit.

The tenancy began in 2006. Rent in the amount of \$1200.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the months following July 2014 up to

January 2015 and on January 12, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent by placing the Notice in the tenant's mailbox - stating the tenant owed \$7800.00. The landlord provided into evidence a copy of the 10 Day Notice to End Tenancy for Unpaid Rent. The tenant further failed to pay rent in the month of February 2015. The landlord seeks an Order of Possession and a monetary claim is for the unpaid rent.

Analysis

Based on the landlord's testimony and document evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for the unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee. *Calculation for Monetary Order as follows:*

Rental Arrears to January 31, 2015	\$7800.00
Unpaid rent for February 2015	\$1200.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$9050.00

Conclusion

I grant an Order of Possession to the landlord **effective 2 days** from the day it is served on the tenant. The tenant must be served with this 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 of the Act for the amount of **\$9050.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: February 11, 2015

Residential Tenancy Branch

