



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNDC, 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 package and evidence by *registered mail* sent on February 23, 2015 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 by way of the tracking number noted on the Decision title page.

The landlord was given full opportunity to be heard, to present evidence and to make submissions. The landlord testified the tenant was last known to be in the rental unit March 01, 2014, and it appears to the landlord the tenant has removed some of their belongings from the unit, although some remain.

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

Rent in the amount of \$850.00 is payable in advance on the first day of each month.

The tenant failed to pay rent in the month of December 2014, January 2015 and February 2015 during which time the parties were mired in dispute over other matter which are subject of a Decision dated January 06, 2015. None the less, on February 05, 2015 the landlord served the tenant with a 10 Day Notice to end tenancy for non-payment of rent by posting it to the tenant's door, of which the landlord provided a clear image of the Notice taped to the tenant's door, and it is readable – stating the tenant owed \$850.00 on December 01, 2014 – and the tenant has not paid rent since.

Analysis

Based on the landlord's undisputed 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 to February 2015 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.

As it is not clear if the tenant has vacated the rental unit, 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 unpaid rent to the end of February 2015 in the amount of \$2550.00 [\$850.00 x 3 (December 2014, January and February 2015)], and to recovery of the \$50.00 filing fee, for a total entitlement of **\$2600.00**.

Calculation for Monetary Order

Unpaid rent – December 2014, January, 2015, February 2015	\$2550.00
Filing Fees for the cost of this application	50.00
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Total Monetary Award to landlord	\$2600.00

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 **\$2600.00**.
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: March 10, 2015

Residential Tenancy Branch

