



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The landlord appeared at the hearing but the tenant did not. The landlord testified that she served the application for dispute resolution and notice of hearing via registered mail sent to the rental unit on March 11. The landlord lives in the unit above the rental unit and testified that Canada Post gave the tenant a notice that registered mail was available. The tenant crossed out the notice card and placed it back in the mailbox. The tenant cannot avoid service by refusing to collect registered mail. I found that the tenant was properly served in accordance with section 89 of the Act and the hearing proceeded in her absence.

### Issues to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed testimony is as follows. The tenant is obligated to pay \$900.00 per month in rent in advance on the first day of each month. The tenant failed to pay rent in March 2015 and on March 4, the landlord served her with a 10 day notice to end tenancy for unpaid rent (the "Notice") by giving the Notice to the tenant's adult daughter.

The tenant did not file an application for dispute resolution to dispute the Notice, she did not vacate the rental unit in accordance with the Notice and has not paid the landlord any rent.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenant was obligated to pay \$900.00 in rent on March 1. I find that the tenant failed to pay rent and I find that the tenant received the Notice on March 4. The tenant did not dispute the Notice or pay the arrears in full and is therefore conclusively presumed pursuant to section 46(5)(a) to have accepted that the tenancy ended on the effective date of the Notice. I find that the landlord is entitled to an order of possession effective 2 days after service. The tenant must be served with the order. Should the tenant fail to comply, the order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to recover \$900.00 in unpaid rent for the month of March and I award her that sum. I further find that the tenant's failure to vacate the rental unit or pay occupational rent has caused the landlord to lose income for the month of April. I find that the tenant is liable for that loss and I award the landlord a further \$900.00 for a total award of \$1,800.00.

I grant the landlord a monetary order under section 67 for \$1,800.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$1,800.00.

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: April 16, 2015

---

Residential Tenancy Branch

