



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Bluestream Hotel 2008 Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This is an application for an Order of Possession based on Notice to End Tenancy for nonpayment of rent, a request for a monetary order for outstanding rent, and a request for recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by posting the notice on the respondent's door on March 25, 2015; however the respondent did not join the conference call that was set up for the hearing.

Section 89 and of the Residential Tenancy Act states:

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

(2) An application by a landlord under section 55 [*order of possession for the landlord*], 56 [*application for order ending tenancy early*] or 56.1 [*order of possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

(a) by leaving a copy with the tenant;

(b) by sending a copy by registered mail to the address at which the tenant resides;

(c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;

(d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

(e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

(3) A notice under section 94.21 [*notice of administrative penalty*] must be given in a manner referred to in subsection (1).

Therefore it's my finding that the respondent has been properly served with the notice of hearing for the application for an Order of Possession; however the applicant has not been properly served with the application for the monetary order. I therefore dealt with the application for an Order of Possession and I have dismissed the application for a monetary order with leave to reapply.

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the applicant established the right to an Order of Possession?

Background and Evidence

The landlord testified that:

- The tenant moved into the rental unit on January 14, 2014, initially on a weekly basis, however the tenant subsequently indicated that she would like to stay on a long-term basis and therefore the tenancy was changed to a month-to-month tenancy with a monthly rent of \$800.00.
- The tenant failed to pay the March 2015 rent and therefore, on March 15, 2015, a 10 day Notice to End Tenancy was posted on the tenant's door.
- Since serving the Notice to End Tenancy, the tenant has paid no further rent and has failed to vacate the rental unit.
- They are therefore requesting an Order of Possession for as soon as possible.

Analysis

The landlords have provided no tenancy agreement however I accept the landlord's testimony that the rent for this unit is \$800.00 per month.

It is my finding that the landlord has shown that the tenant failed to pay the March 2015 rent and that a 10 day Notice to End Tenancy was posted on the tenants door on March 11, 2015.

There is no evidence to show that the tenant has filed any dispute of the Notice to End Tenancy, and since the tenant has failed to pay any rent since receiving that notice it is my finding that the landlords have the right to an Order of Possession.

I also allow the landlords request for recovery of the filing fee.

### Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant.

I have issued a monetary order in the amount of \$50.00.

The monetary portion of this application is dismissed with leave to reapply.

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: May 04, 2015

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Residential Tenancy Branch

