



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR & FF

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant on May 12, 2015. The Residential Tenancy Act permits a party to serve another by mailing, by documents, by registered mail to where the other party resides. The Supreme Court of British Columbia has held that a party cannot avoid service by refusing to pick up their registered mail. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing, by registered mail to where the respondent resides on May 21, 2015. A search of the Canada Post tracking service indicates service was attempted and a notification card left. I determined there was sufficient service despite the fact the respondent failed to pick up their registered mail. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a tenancy agreement that provided that the tenancy would start on August 1, 2014. The rent is \$950 per month payable on the first day of each month. The tenant did not pay a security deposit.

The tenant failed to pay the rent for the months of March, April, May and June and the sum of \$3800 remains owing. The tenant(s) have remained in the rental unit. The landlord applied for an early end to the tenancy and obtained an Order for Possession on June 15, 2015.

Analysis - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the landlord has already obtained one.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of March, April, May and June and the sum of \$3800 remains owing. I granted the landlord a monetary order in the sum of \$3800 plus the sum of \$50 in respect of the filing fee for a total of \$3850.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and 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: June 18, 2015

Residential Tenancy Branch

