



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated April 10, 2015 and for a monetary award for unpaid rent.

Neither of the tenants attended for the hearing.

Issue(s) to be Decided

Have the tenants been served? Does the relevant evidence presented at hearing show on a balance of probabilities that the landlord is entitled to any of the relief claimed?

Background and Evidence

The rental unit is a four bedroom townhouse. The tenancy started in September 2012. The tenants are still occupying the premises. The monthly rent is \$719.00, due on the first of each month in advance. The landlord does not hold any deposit money.

Ms. D.K. for the landlord indicates the ten day Notice was served on the tenants by regular mail sent April 13, 2015 and produces an accompanying letter from the landlord dated that same day.

She testifies that the application for dispute resolution and Notice of Hearing were served by registered mail addressed to the tenant Mr. P.A. The Canada Post tracking number provided shows that the mail was received and signed for on May 11, 2015.

She testifies that the September and November 2014 rents were unpaid. Rent was received on May 5, 2015 but nothing for June 2015.

Analysis

I find that the tenants were duly served with the ten day Notice in accordance with s. 88 of the *Residential Tenancy Act* (the “*Act*”), deemed to have been received by them on April 18, 2015, and that they have not applied to cancel the Notice nor paid the amount demanded in it.

I find that the tenant P.A. has been duly served with the application for dispute resolution and notice of hearing by registered mail. The landlord has not proved service of those documents on the tenant C.M.

By operation of s. 46 of the *Act*, this tenancy ended as a result of the Notice on April 29, 2015 and the landlord is entitled to an order of possession.

The undisputed evidence shows that the tenants are in arrears of rent in the amount of \$1488.00, as claimed. I grant the landlord a monetary order in that amount plus the \$50.00 filing fee for this application, a total of \$1538.00.

As only the tenant P.A. has been served with the application, the monetary order will be against him alone. The landlord is free to re-apply against the tenant C.M.

Conclusion

The landlord’s application is allowed but for the claim for a monetary order against the tenant C.M.

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 16, 2015

Residential Tenancy Branch

