



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

### Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord and a person assisting him attended and gave affirmed testimony. The tenant did not appear.

The landlord testified that the application for dispute resolution and notice of hearing ("hearing package") was served by registered mail. Evidence includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "successfully delivered" on June 10, 2015. Despite this, the tenant did not appear. Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant has been duly served in accordance with sections 89 and 90 of the Act which speak, respectively, to **Special rules for certain documents** and **When documents are considered to have been received**.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began approximately 12 years ago. Monthly rent is due and payable in advance on the first day of each month. Presently, the monthly rent is \$830.00. A security deposit of \$400.00 was collected at the start of tenancy.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated May 15, 2015. The notice was served by way posting to the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant

must vacate the unit is May 25, 2015. Subsequently, the tenant did not file an application to dispute the notice, and he made the following 2 payments toward rent:

\$500.00: *May 15, 2015*

\$990.00: *July 01, 2015*

Further to the above payments, the tenant has made no additional payment toward rent, and he continues to reside in the unit.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 15, 2015. The tenant did not pay the full amount of outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As to compensation, I find that the landlord has established a claim of **\$1,480.00**:

\$430.00: *unpaid rent for April 2015*

\$830.00: *unpaid rent for May 2015*

\$830.00: *unpaid rent for June 2015*

\$830.00: *unpaid rent for July 2015*

\$50.00: *filing fee*

Sub-total: **\$2,970.00**

**MINUS**     **\$1,490.00** (\$500.00 + \$990.00)

Sub-total: **\$1,480.00**

I order that the landlord retain the security deposit of \$400.00, plus interest accrued for the past 12 years of \$24.68 (calculated from July 06, 2003) [**total: \$424.68**], and I grant the landlord a **monetary order** for the balance owed of **\$1,055.32** (\$1,480.00 - \$424.68).

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,055.32**. This order may be served on the tenant, filed in the Small Claims 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: July 06, 2015

---

Residential Tenancy Branch

