



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Lu'ma Native Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of all or part of the security deposit / and recovery of the filing fee. The landlord's agent (the "landlord") attended and gave affirmed testimony. The tenant did not appear.

The landlord testified that the application for dispute resolution and the notice of hearing (the "hearing package") was served by way of registered mail. Evidence provided by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the package was "successfully delivered" on June 29, 2015. Based on the affirmed / undisputed testimony of the landlord, the documentary evidence, and in consideration of 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**, I find that the tenant has been duly served.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement the tenancy began on December 01, 1997. Monthly rent is due and payable in advance on the first day of each month. Effective March 01, the tenant's portion of monthly rent became \$502.00. A security deposit of \$350.00 was collected on November 27, 1997. Effective on or about January 01, 2002, the tenant transferred from her original unit to the unit which is the subject of this dispute.

Arising from rent which remained unpaid when due on June 01, 2015, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 05, 2015. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the unit by when the tenant must vacate the unit is June 15, 2015. Subsequently, the tenant made payments toward rent in the limited amounts as follows:

\$400.00: *June 15, 2015*

\$400.00: *July 07, 2015*

Further to the above payments, the tenant has made no additional payments toward rent and she 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 June 06, 2015. The tenant did not pay the full amount of rent outstanding within 5 days of receiving the notice, and did not file an application 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 **\$1,710.00**:

\$154.00: *unpaid rent for May*

\$502.00: *unpaid rent June*

\$502.00: *unpaid rent for July*

\$502.00: *unpaid rent for August*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of \$350.00 in addition to accrued interest in the amount of \$45.24 [**total: \$395.24**], and I grant the landlord a **monetary order** for the balance owed of **\$1,314.76** (\$1,710.00 - \$395.24).

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 **\$1,314.76**. Should it be necessary, 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: August 18, 2015

Residential Tenancy Branch

