



# 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 the landlord 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 personally served on the Tenant on June 5, 2015. The Residential Tenancy Act permits a party to serve another by mailing, 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 Amended Application for Dispute Resolution/Notice of Hearing was sufficiently served by mailing, by registered mail to where the tenant resides on June 18, 2015. I determined the Application for Dispute Resolution/Notice of Hearing was sufficiently served even though the tenant refused to pick the documents up and they were returned to the landlord. The landlord personally served the Amended Application for Dispute Resolution/Notice of Hearing on the tenant on August 9, 2015 when she met with the tenant. 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 tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated June 5, 2015?
- b. Whether the landlord is entitled to an Order for Possession?

- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- e. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement dated December 12, 2014 that provided that the tenancy would start on January 1, 2015 and end on December 31, 2015. The rent is \$760 per month plus utilities of \$85 per month for a total of \$845 per month payable on the first day of each month. The tenant paid a security deposit of \$380 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of June and the sum of \$705 remains owing. The tenant has made payments and the Ministry has paid the rent for July and August. The tenant(s) have remained in the rental unit.

### Tenant's Application – Analysis

The tenant failed to attend the hearing. As a result I ordered that the application be dismissed without leave to re-apply.

### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant's application to set aside the Notice to End Tenancy has been dismissed.

The tenant represented to the landlord that he could pay the arrears by October 1, 2015. The landlord requested that I set the effective date of the Order for Possession for that date. **Accordingly, I granted the landlord an Order for Possession effective October 1, 2015.** The landlord stated that if the tenant pays the arrears by that date she intends to reinstate the tenancy. However, if he fails to pay the rent she wishes to exercise her rights under the Order for Possession..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of June and the sum of \$705 remains outstanding. **I granted the landlord a monetary order in the sum of \$705 plus the sum of \$50 in respect of the filing fee for a total of \$755.**

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: August 10, 2015

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Residential Tenancy Branch

