



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Cascadia Apartment Rentals Ltd.  
and [tenant name suppressed to protect privacy]

## **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 or utilities / compensation for damage or loss under the Act, Regulation or tenancy agreement / 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 item was "unclaimed by recipient." Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant has been served in accordance with sections 89 and 90 of the Act which address, respectively, **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

Pursuant to a written tenancy agreement the tenancy began on April 01, 2013. Monthly rent is due and payable in advance on the first day of each month. Rent at the outset of tenancy was \$1,420.00. Effective January 01, 2015 rent was increased by \$35.00 to \$1,455.00. A security deposit of \$710.00 was collected at the start of tenancy.

Arising from rent which was unpaid when due on September 01, 2015, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated September 08, 2015. The notice was served by 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 September 18, 2015. While the tenant continues to reside in the unit, she has subsequently made only limited payments toward rent:

\$2,050.00: *September 29, 2015*

\$500.00: *November 19, 2015*

### 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 or utilities dated September 08, 2015. The tenant did not pay the full amount of outstanding rent within 5 days of receiving the notice, and the tenant 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 **\$2,510.00**:

\$955.00: *unpaid rent for October*

\$25.00: *fee assessed for late payment of rent*

\$1,455.00: *unpaid rent for November*

\$25.00: *fee assessed for late payment of rent*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$710.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,800.00** (\$2,510.00 - \$710.00).

### 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 **\$1,800.00**. 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: November 23, 2015

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Residential Tenancy Branch

