



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Roysor Enterprises Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

MNR OPR

Introduction

The landlord applied for an order of possession and a monetary order for unpaid rent. This matter was originally considered through the Direct Request process. In the interim decision for this matter, the adjudicator found that there was insufficient evidence of service of the notice to end tenancy for unpaid rent, and ordered that the matter be reconvened as a participatory hearing.

The hearing reconvened as a teleconference hearing on this date. The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that on November 13, 2015 they personally served the tenant with the application for dispute resolution and notice of hearing. I accepted the landlord's testimony that the tenant was served with notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on May 1, 2014. Rent in the amount of \$254.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of August, September and October 2015 and on October 6, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the months of November and December 2015.

The Landlord's evidence included the following:

- a copy of the tenancy agreement, signed by the tenant and the landlord in April 2014, indicating a monthly rent of \$254.00 due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on October 6, 2015, with an effective vacancy date of October 20, 2015, for failure to pay rent in the amount of \$762.00 that was due on October 1, 2015;
- testimony that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the notice on the tenant's door on October 6, 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed October 23, 2015.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on October 9, 2015.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$1,270.00 in unpaid rent and lost revenue.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. 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.

I grant the landlord an order under section 60 for the amount due of \$1,270.00. This order may be 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 *Manufactured Home Park Tenancy Act*.

Dated: December 16, 2015

Residential Tenancy Branch

