



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M'Akola RNH Society
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, OPL MNSD, FF

Introduction:

This was an application by the landlord for an Order for Possession and, a Monetary Order pursuant to a Notice to End the Tenancy for Non-Payment of Rent dated January 11, 2016. Only the landlord's agent DB attended the conference call hearing.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Service of Documents:

The landlord's agent DB testified that she served the Notice to End the tenancy by registered mail on January 14, 2014 but the tenant refused it on January 26, 2016. DB testified that the dispute resolution package was sent by registered mail on February 3, 2016 but the tenant refused that on February 12, 2016. Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on January 26, 2016 and that the application for Dispute Resolution was deemed to be served on February 12, 2016.

Background and Evidence:

The landlord's agent testified that the tenancy began on December 1, 2010 with current rent in the amount of \$ 1,500.00 due in advance on the first day of each month. The tenant did not pay any security deposit. The landlord's agent testified that the arrears from December 2015 through February 2016 were \$ 3,886.00. The landlord asked for an Order for Possession and monetary Order.

Analysis:

The tenant has not paid all the outstanding rent on time and has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for possession effective two days after service on the tenant. I find that the landlord has established a claim for unpaid rent totalling \$ 3,886.00 and the filing fee of \$ 100.00 totalling **\$ 3,996.00**.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I grant the landlord an order under section 67 for the balance due including the filing fee of **\$ 3,996.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible.

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: February 23, 2016

Residential Tenancy Branch

