



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COLUMBIA PROPERTY MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated July 6, 2016. It also seeks a monetary award for unpaid rent, loss of rental income and for late fees.

The tenant did not attend the hearing within ten minutes after its scheduled start time.

The landlord's representative Ms. P. testifies that the tenant was served with the application for dispute resolution and notice of hearing by registered mail sent to the rental unit, where the tenant continues to reside. Canada Post records (tracking number on cover page of this decision) show that the mail was sent on July 29, 2016 and went "unclaimed by recipient."

On this evidence I find that the tenant has been duly served with the application in accordance with s. 89 of the *Residential Tenancy Act* (the "Act").

On the undisputed evidence of Ms. P. the tenant was served with the ten day Notice to End Tenancy by posting on the tenant's door on July 6. The tenant has neither applied to cancel the Notice nor paid the amount of rent demanded in it. As a result, by operation of s. 46 of the *Act*, this tenancy ended on July 19, 2016 and the landlord is entitled to an order of possession.

I find that the tenant was late in paying rent for the months of May, June and July 2016 and has incurred late fees of \$75.00 in accordance with clause B of the tenancy agreement addendum.

I find the tenant to be in arrears of rent of \$60.00 from May 2016, \$830.00 from June 2016 and \$830.00 from July 2016.

I find that the overholding tenant has caused the landlord to lose rental income from the months of August and September 2016 and I award the landlord \$1660.00.

The landlord is entitled to a monetary award of \$3455.00 plus recovery of the \$100.00 filing fee for this application.

I authorize the landlord to retain the \$400.00 security deposit in reduction of the amount awarded. There will be a monetary order against the tenant for the remainder of \$3155.00.

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: September 15, 2016

Residential Tenancy Branch