



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 634 EAST GEORGIA STREET HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;

I accept the landlord's testimony that despite the tenant having been served with the application for dispute resolution and notice of hearing by posting it on the tenant's door on October 10, 2016, in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on December 01, 2015. Rent in the amount of \$650.00 is payable in advance on the first day of each month. The undisputed evidence is that the tenant failed to pay rent in the month of August and September 2016 and on September 02, 2016 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting it on their door stating that as of the date of the notice the tenant owed rent in the sum of \$1300.00. The tenant further failed to pay rent when due in the month of October however subsequently paid a total of \$1250.00 on October 03, 2016 and later satisfied all the rent for November 2016 on November 05, 2016. The landlord seeks a monetary order for the arrears of rent and an order of possession.

Analysis

Based on the landlord's undisputed evidence I find the tenant was served with a notice to end tenancy for non-payment of rent by posting it on their door on September 02, 2016 which the tenant is deemed to have received September 05, 2016 pursuant to Section 90 of the Act. I find the notice to be valid. The tenant did not pay the rent within the 5 days permitted to do so after receiving the notice on September 05, 2016 and did not apply for Dispute Resolution to dispute the notice within the same time and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice: September 15, 2016. Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I find that the landlord has established a monetary claim for unpaid rent payable up to November 30, 2016. The tenant was obligated to pay rent for August, September, October and November 2016 in the sum of \$2600.00 and to date has satisfied rent in the sum of \$1900.00. Therefore the landlord is owed unpaid rent in the balance of **\$700.00**.

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this 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 67 of the Act for the amount of **\$700.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord's application in relevant part has been granted.

This Decision is final and binding on both parties.

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 28, 2016

Residential Tenancy Branch

