



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Supermen Property Management and George Kyaw (owner)  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction:

This was an application by the landlords for an Order for Possession and a Monetary Order for unpaid rent. Only the landlord's agent KF attended the application.

### Issues:

Are the landlords entitled to an Order for Possession and Monetary Order?

### Service of Documents:

The landlords' agent testified that she served the Notice to End the tenancy for non-payment of rent on November 8, 2016 by handing it to the tenants on that day. Based on the evidence of the landlords' I find that the tenants were personally served with a Notice to End Tenancy for non-payment of rent on November 8, 2016.

The landlords' agent testified that she served the tenants with the application for dispute resolution on November 26, 2016 by posting it to the tenants' door. I find that the landlords have not served the tenants in accordance with section 89 of the act which species:

89 (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) *[director's orders: delivery and service of documents]*.

Accordingly I have dismissed the landlords' applications for any monetary awards for unpaid rent with leave to reapply

Background and Evidence:

The landlords' agent testified that the tenancy began on September 25, 2105 with rent in the amount of \$ 700.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 350.00 at the beginning of the tenancy. The landlord's agent testified that the arrears to date are \$ 350.00 for January 2917.

Analysis:

The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are 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 landlords are entitled to an order for possession effective two days after service on the tenant. I order that the landlords may recover their filing fee of \$ 100.00.

Conclusion:

I have granted the landlords an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order the landlords to recover the filing fee of \$ 100.00 and I grant the landlords an order under section 67 for the balance due of **\$ 100.00**. 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 tenants as soon as possible. I have dismissed with leave to reapply the landlords' application for a monetary order for unpaid rent.

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: January 09, 2017

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Residential Tenancy Branch