



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The landlord originally applied through the Direct Request Process. An Adjudicator deemed it necessary that this matter be heard by way of participatory hearing. The landlord attended the hearing, the tenant did not. The landlord and their witness give sworn testimony that the tenant was personally served the Notice of Hearing document for this hearing on March 5, 2017. Based on the undisputed testimony of the landlord I find that the tenant was served notice of this hearing and the hearing proceeded and completed in her absence.

Preliminary Issue

At the outset of the hearing the landlord advised that the tenant moved out on March 20, 2017 and no longer requires an order of possession, accordingly; I dismiss that portion of their application.

Issues(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent?

Background and Evidence

The tenancy began on or about November 1, 2016. Rent in the amount of \$900.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of February and on February 3, 2017 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of March. The landlord testified that the tenant made some late partial payments to which they

were issued a “receipt for use and occupancy only”. The landlord advised that as of today’s hearing the amount of unpaid rent is 120.00.

Analysis

The tenants failed to pay their rent in full within five days of being deemed to have received the 10 Day Notices. The tenants have not made application pursuant to section 46(4) of the *Act* within five days of being deemed to have received the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenants’ failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice.

Based on the undisputed evidence provided by the landlord, I am satisfied that the tenants continue to owe the landlord unpaid rent. I issue a monetary award in the landlord’s favour in the amount of \$120.00 pursuant to Section 67 of the *Act*.

Conclusion

The landlord is granted a monetary order for \$120.00.

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: March 23, 2017

Residential Tenancy Branch