



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT LTD PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, MNR, MND, MNSD, MNDC, FF

Introduction

The landlord applies for an order of possession pursuant to a one month Notice to End Tenancy for repeated late payment of rent. It also seeks a monetary award for unpaid February and March 2017 rents. The landlord listed other dispute codes in its claim but at hearing restricted itself to the rent claim.

The tenant did not attend the hearing within ten minutes after its scheduled start time on March 28, 2017. She has not filed material in opposition to the claim. The matter was set over to March 29, 2017 at 9:00 o'clock a.m. for assessment of the claim.

Mr. C.L. for the landlord showed that the application for dispute resolution and the notice of hearing were served on the tenant by registered mail (tracking number shown on cover page of this decision). Canada Post records show that the mail was sent March 2, 2017 and went "unclaimed by recipient." According to ss. 89 and 90 of the *Residential Tenancy Act* (the "Act") the tenant was deemed to have received the mail five days after. On this evidence I find that the tenant has been duly served. She cannot avoid the dispute resolution process by declining to collect her mail.

Mr. C.L. testifies that the Notice to End Tenancy was served on the tenant by him attaching a copy of it to the tenant's door on January 25, 2017. This is valid service under s. 88 of the *Act* and the tenant was deemed to have received the document.

She has not applied to cancel the Notice and as a result, by operation of s. 46 of the *Act*, this tenancy ended on February 28, 2017. The landlord is entitled to an order of possession.

On the undisputed evidence of Mr. C.L I find the tenant failed to pay February rent of \$823.20 and I award that amount to the landlord.

The tenant has not vacated the premises and so I award the landlord \$823.20 as occupation rent for the month of March 2017.

In result the landlord will have an award of \$1646.40 plus recovery of the \$100.00 filing fee for this application. Mr. C.L. says the landlord does not hold any deposit money.

The landlord will have a monetary order against the tenant in the amount of \$1746.40.

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 29, 2017

Residential Tenancy Branch