



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated May 9, 2017 and for a monetary award for unpaid rent.

The tenant did not attend the hearing within fifteen minutes after its scheduled start time. The landlord showed that the tenant had been served with the application and notice of hearing by registered mail to the dispute address, where the tenant continues to reside (tracking number shown on cover page of this decision). Canada Post records show that the mail was sent May 24, 2017 and went “unclaimed by recipient.” The landlord says he called the tenant and told him to pick up the mail.

A party cannot avoid this process by declining to claim registered mail. I find that the tenant has been duly served with the application and notice of hearing in accordance with ss. 88 and 89 of the *Residential Tenancy Act* (the “Act”).

The landlord testifies that he served the tenant with the ten day Notice by regular mail and that he texted the tenant with the Notice as well. He produces a return text from the tenant acknowledging the Notice.

In find the tenant has been duly served with the ten day Notice and has failed to either pay the \$2000.00 amount demanded in it or to make application to cancel it. As a result, by operation of s. 46 of the *Act*, this tenancy ended on May 24, 2017 and the landlord is entitled to an order of possession.

I accept the landlord's undisputed evidence that he is owed \$3600.00 for rent and occupation rent up to and including July 2017, less \$1200.00 the tenant has paid since this application was made.

I grant the landlord a monetary award of \$2400.00 plus recovery of the \$100.00 filing fee. I authorize the landlord to retain the \$400.00 security deposit in reduction of the amount awarded. The landlord will have a monetary order against the tenant for the remainder of \$2100.00.

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: July 05, 2017

Residential Tenancy Branch