



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;
- a monetary order for unpaid rent pursuant to section 67.

The landlord attended the hearing via conference call and provided undisputed affirmed testimony. The tenant did not attend or submit any documentary evidence. The landlord provided undisputed affirmed testimony that the tenant was served with the notice of hearing package and the submitted documentary evidence in person on June 23, 2017 with a witness. The landlord provided a copy of a signed statement from a witness, E.G. as confirmation that the tenant was served with the notice of hearing package in person on June 23, 2017. I accept the undisputed evidence of the landlord and find that the tenant has been properly served as per sections 88 and 89 of the Act. The tenant is deemed served on June 23, 2017 as per section 90 of the Act.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

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

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

The landlord stated that the tenant was served with the 10 Day Notice for Unpaid Rent (the 10 Day Notice) dated June 2, 2017 by posting it to the rental unit door on June 2,

2017 with a witness. The 10 Day Notice sets out that the tenant failed to pay rent of \$500.00 that was due on June 1, 2017 and an effective end of tenancy date of June 12, 2017. The landlord has provided in support of this claim a copy of a proof of service document and two signed witness statement(s) dated June 2, 2017 confirming service in this manner with a witness.

The landlord provided undisputed evidence that the tenant failed to pay rent of \$500.00 for June 2017 and since the 10 Day Notice was served, no rent has been paid as of the date of this hearing.

The landlord seeks an order of possession and a monetary order for unpaid rent of \$1,500.00 which consists of:

\$500.00	Unpaid Rent, June 2017
\$500.00	Unpaid Rent, July 2017
\$500.00	Unpaid Rent, August 2017

Analysis

Pursuant to section 46 of the Act, a landlord may end a tenancy if rent is unpaid on any day after the day it is due, by giving notice to end tenancy effective on a date that is not earlier than ten days after the date the tenant receives the notice.

In this case, I accept the landlord's evidence that the tenant was served with the 10 Day Notice by posting it to the rental unit door on June 2, 2017. The tenant is deemed to have been served with this 10 Day Notice on June 5, 2017 as per section 90 of the Act. As such, the effective end of tenancy date is corrected to June 15, 2017.

The tenant failed to pay the outstanding rent within five days of receiving the 10 Day Notice. The tenant has not made application pursuant to subsection 46(4) of the Act within five days of receiving the 10 Day Notice. In accordance with subsection 46(5) of the Act, the tenant's failure to take either of these actions within five days led to the end of his tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by June 15, 2017. As that has not occurred, I find that the landlord is entitled to a two-day order of possession.

I accept the undisputed evidence of the landlord and find that the tenant has failed to pay rent for June 2017 of \$500.00 and still occupies the rental unit as of the date of this hearing. The landlord has justified a monetary claim of \$1,500.00.

Conclusion

The landlord is granted an order of possession.

The landlord is granted a monetary order for \$1,500.00.

These orders must be served upon the tenant. Should the tenant fail to comply with these orders, these orders may be filed in the Supreme Court of British Columbia and the Small Claims Division of the Provincial Court of British Columbia and enforced as orders of those courts.

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: August 22, 2017

Residential Tenancy Branch