



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPC, OPR, MNR, MNSD, MNDC, FF

Introduction

In the first application the tenant seeks to cancel a ten day Notice to End Tenancy for unpaid rent dated July 10, 2017 and for an order that the landlord comply with the law or the tenancy agreement.

In the second application the landlord seeks an order of possession pursuant to the Notice and for a monetary award for unpaid rent.

The tenant failed to attend the hearing within fifteen minutes after its scheduled start time. As a result, the tenant's application is dismissed. Pursuant to s. 55 of the *Residential Tenancy Act*, the landlord must be issued an order of possession in these circumstances. I find that the Notice caused this tenancy to end on July 21, 2017 and I grant the landlord an immediate order of possession.

The landlord shows that the tenant was served with the landlord's application and notice of hearing letter by registered mail (tracking number shown on cover page of this decision). Canada Post records show that the mail was sent August 11, 2017 and that it went "unclaimed by recipient." I find that the tenant has been duly served with the landlord's application. A party cannot avoid this process by declining to claim registered mail.

On the undisputed evidence of the landlord I accept his accounting of the tenant's unpaid rent, but for his double entry of July 2017 rent. I award him \$4000.00 plus recovery of the \$100.00 filing fee for this application.

I authorize the landlord to retain the \$400.00 security deposit in reduction of the amount awarded.

There will be a monetary order against the tenant for the remainder of \$3700.00.

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: September 28, 2017

Residential Tenancy Branch