



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M'AKOLA HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, FFL

Introduction

This hearing was convened in response to a Direct Request application by the landlord reconvened as a participatory hearing pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by posting it on their door on October 20, 2017 in accordance with Section 89 of the *Residential Tenancy Act* (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began in July 2012. The tenant continues to reside in the unit. Rent in the amount of \$796.00 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord did not collect a security deposit. The tenant failed to pay all rent payable on September 08, 2017 the landlord served the tenant with a notice to end tenancy for non-payment of rent by registered mail. The notice to end stated that on September 01, 2017 the tenant owed unpaid rent in the sum of \$1200.00. The

tenant further failed to pay \$300.00 for each month of October and November 2017. The landlord's monetary claim is for the unpaid rent in the sum of \$1800.00.

Analysis

Based on the landlord's evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for unpaid rent in the amount of \$1800.00. The landlord is also entitled to recovery of the \$100.00 filing fee for their application, for a resulting award in the sum of **\$1900.00**.

Conclusion

The landlord's application is granted.

I grant an Order of Possession to the landlord effective **2 days from the day it is served on the tenant**. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I grant the landlord an **Order** under Section 67 of the Act for the amount of **\$1900.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding.

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: November 20, 2017

Residential Tenancy Branch