



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COREMARC PROPERTIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, made on November 30, 2017 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by J.M., an agent. The Tenant did not attend the hearing.

On behalf of the Landlord, J.M. testified the Application package was served on the Tenant by registered mail on December 1, 2017. Further, J.M. advised that tracking information confirmed the Tenant received and signed for the Application package on December 9, 2017. A Canada Post registered mail receipt was submitted in support. I find the Tenant received the Application package on December 9, 2017. The Tenant did not submit documentary evidence in response to the Application.

On behalf of the Landlord, J.M. was provided with the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

1. Is the Landlord entitled to an order of possession for unpaid rent or utilities?
2. Is the Landlord entitled to a monetary order for unpaid rent or utilities?
3. Is the Landlord entitled to an order granting recovery of the filing fee?

Background and Evidence

On behalf of the Landlord, J.M. testified the tenancy began roughly 20 years ago. Currently, pad rent in the amount of \$372.25 per month is due on the first day of each month.

According to J.M., the Tenant did not pay rent when due on December 1, 2016, January 1, March 1, May 1, July 1, August 1, September 1, October 1, and November 1, 2017. As of November 2, 2017, \$3,319.91 was outstanding. The missed payments were summarized in an email submitted with the Landlord's documentary evidence. Accordingly, the Landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated November 15, 2017 (the "10 Day Notice"). The 10 Day Notice was served on the Tenant by attaching a copy to the door of the Tenant's rental unit on November 15, 2017. A Proof of Service document signed by K.B. was submitted in support.

J.M. testified further that the Tenant did not pay pad rent when due on December 1, 2017, and on January 1 and February 1, 2018. Currently, pad rent in the amount of \$4,436.66 is outstanding.

As noted above, the Tenant did not attend the hearing to dispute the Landlord's evidence.

Analysis

Based on the unchallenged and affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

The Landlord sought an order of possession. In this case, the Landlord testified, and I find, that the Tenant was served with the 10 Day Notice by posting a copy to the door of the Tenant's rental unit on November 15, 2017. Pursuant to sections 82 and 83 of the *Act*, documents served in this manner are deemed to be received three days later. I

find the Tenant is deemed to have received the 10 Day Notice on November 18, 2017. Pursuant to section 39(4) of the *Act*, the Tenant had until November 23, 2017, to pay rent in full or dispute the 10 Day Notice by filing an application for dispute resolution. As the Tenant did neither of these things, I find she is conclusively presumed to have accepted the tenancy ended on the effective date of the 10 Day Notice, pursuant to section 39(5) of the *Act*. As a result, I find the Landlord is entitled to an order of possession, which will be effective two (2) days after it is served on the Tenant.

Further, the Landlord sought a monetary order for unpaid rent. Section 20 of the *Act* confirms that a tenant must pay rent when due under a tenancy agreement. In this case, the Landlord testified, and I find, that rent has not been paid in full when due and that \$4,436.66 is outstanding. Having been successful with the Application, I also find the Landlord is entitled to recover the filing fee. Accordingly, pursuant to section 60 of the *Act*, I find the Landlord is entitled to a monetary order in the amount of \$4,536.66, which is comprised of \$4,436.66 in unpaid rent and \$100.00 in recovery of the filing fee.

Conclusion

The Landlord is granted an order of possession, which will be effective two (2) days after service on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

The Landlord is granted a monetary order in the amount of \$4,536.66. This order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: February 15, 2018