



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

OPR, MNR

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent or Utilities and a monetary Order for unpaid rent or utilities.

The Landlord stated that on November 21, 2017 he personally served the Tenant with the Application for Dispute Resolution, the Notice of Hearing and documents the Landlord to the Residential Tenancy Branch on November 18, 2017 and November 19, 2017. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing. The evidence was accepted as evidence for these proceedings

On January 21, 2017 the Landlord submitted evidence to the Residential Tenancy Branch. The Landlord stated that this evidence was served to the Tenant, via registered mail, on January 19, 2018. The Landlord submitted Canada Post documentation that corroborates this testimony. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 88 of the *Act* the evidence was accepted as evidence for these proceedings

### Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and to a monetary Order for unpaid rent or utilities?

## Background and Evidence

The Landlord stated that:

- this tenancy began in 2008;
- the Tenant is currently required to pay rent of \$3,600.00 by the first day of each month; and
- a Ten Day Notice to End Tenancy for Unpaid Rent, which had an effective date of November 15, 2017, was sent to the Tenant, via registered mail, on November 01, 2017.

The Landlord submitted Canada Post documentation that corroborates the Landlord's testimony that the Ten Day Notice to End Tenancy for Unpaid Rent was sent to the Tenant, via registered mail, on November 01, 2017.

The Landlord stated that no rent has been paid for the period between September 01, 2016 and February 28, 2018 with the exception of \$3,600.00 that was paid for November of 2017 and \$1,800.00 that was paid for September of 2016. The Landlord is seeking a monetary Order for unpaid rent in the amount of \$34,200.00. He stated he has not applied to recover the full amount of rent owed as he does not wish to exceed the amount he can claim through the dispute resolution process.

## Analysis

On the basis of the undisputed evidence, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$3,600.00 by the first day of each month and that the Tenant currently owes \$59,400.00 in rent for the period between September 01, 2016 and February 28, 2018.

Section 26(1) of the *Act* requires tenants to pay rent when it is due. As the Tenant has not paid all the rent that is currently due, I find that the Landlord has established the right to the full amount of his monetary claim, which is \$34,200.00.

Section 46(1) of the *Act* entitles landlords to end a tenancy within ten days if rent is not paid when it is due by providing proper written notice. On the basis of the undisputed evidence I find that the Ten Day Notice to End Tenancy, served pursuant to section 46 of the *Act*, was mailed to the Tenant on November 01, 2017, via registered mail.

Section 46 of the *Act* stipulates that a Tenant has five days from the date of receiving the Notice to End Tenancy to either pay the outstanding rent or to file an Application for

Dispute Resolution to dispute the Notice. I have no evidence that the Tenant exercised either of these rights and, pursuant to section 46(5) of the *Act*, I find that the Tenant accepted that the tenancy has ended. On this basis I grant the landlord an Order of Possession.

### Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlord has established a monetary claim, in the amount of \$34,200.00, for unpaid rent and I grant the Landlord a monetary Order for that amount. In the event the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court, and enforced as an Order of that Court.

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

Dated: February 06, 2018

---

Residential Tenancy Branch