



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding GOODRIDGE PROPERTY MANAGEMENT
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the “hearing package”) by registered mail on May 6, 2019. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?

Background and Evidence

This tenancy started in April 2014 when the Landlord purchased the property. The tenancy is a month to month verbal agreement. Rent is \$1,033.00 per month payable in advance of the 1st day of each month. The Tenant did not pay a security deposit.

The Landlord said that the Tenant did not pay rent in the amount of \$7,797.00 from June 2018 to February 2019, when it was due and as a result, on February 21, 2019 she registered mailed a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated February 21, 2019 to the Tenant. The Landlord said the Tenant has unpaid rent of \$1,033.00 for each month of March, April, May, and June 2019. The Landlord said the Tenant has unpaid rent in the total amount of \$11,929.00.

The Landlord further indicated that the Tenant is living at the rental unit. The Landlord said she wants to end the tenancy because of the unpaid rent and the Landlord requested an Order of Possession for July 9, 2019.

The Landlord also sought to recover the \$100.00 filing fee for this proceeding.

Analysis

Section 46(4) of the Act states that **within 5 days of receiving** a Notice to End Tenancy for Unpaid Rent or Utilities, a Tenant must pay the overdue rent or apply for dispute resolution. If the Tenant fails to do either of these things, then under section 46(5) of the Act, they are conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice and they must vacate the rental unit at that time.

Under s. 90 of the Act, the Tenant is deemed to have received the Notice to End Tenancy 5 days after it was posted, or on February 26, 2019. Consequently, the Tenant would have had to pay the amount stated on the Notice or apply to dispute that amount no later than March 3, 2019.

I find that the Tenant has not paid the overdue rent and has not applied for dispute resolution. Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect July 9, 2019 as requested by the Landlord.

I also find that the Landlord is entitled to recover unpaid rent in the total amount of \$11,929.00. I grant an monetary claim for the unpaid rent in the amount of \$11,929.00.

As the Landlord has been successful in this matter, she is also entitled to recover from the Tenant the \$100.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Rent arrears:	\$11,929.00	
Recover filing fee	\$ 100.00	
Subtotal:		\$12,029.00
 Balance Owing		 \$12,029.00

Conclusion

An Order of Possession effective July 9, 2019 and a Monetary Order in the amount of \$12,029.00 have been issued to the Landlord. A copy of the Orders must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: June 11, 2019

Residential Tenancy Branch