



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TRG THE RESIDENTIAL GROUP
REALTY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy dated July 8, 2019 and for a monetary award for unpaid rent.

The respondent tenant did not attend the hearing within fifteen minutes after its scheduled start time at 11:00 o'clock a.m. on September 16, 2019. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord's representative Mr. K.L. and this arbitrator were the only ones who had called into this teleconference during that period.

Mr. K.L. testified that the Application and Notice of Dispute Resolution Proceeding were served on the tenant by registered mail (tracking number shown on cover page of this decision). Canada Post records show the mail was sent July 24 and went "unclaimed by recipient." On this evidence I find the tenant has been duly served. A party may not avoid this process by declining to claim his or her mail.

Mr. K.L. states that he attached the ten day Notice to the tenant's door on July 8, 2019 and that the tenant has not paid any money since. On this basis I find that by operation of s. 46 of the *Residential Tenancy Act* this tenancy end on July 21, 2019 and the landlord is entitled to an order of possession.

I find that the tenant failed to pay July 2019 rent of \$2950.00 and I award that amount to the landlord. I award the landlord recovery of the \$100.00 filing fee for this application. With the agreement of Mr. K.L., I authorize the landlord to retain the \$1475.00 security

deposit and \$1000.00 pet damage deposit in reduction of the amount awarded. The landlord will have a monetary order against the tenant for the remainder of \$575.00.

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 16, 2019

Residential Tenancy Branch