



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SUTTON MAX 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 for unpaid rent. It also seeks a monetary award for unpaid rent.

The respondent tenant did not attend the hearing within ten minutes after its scheduled start time at 9:30 o'clock a.m. on September 17, 2019. The teleconference hearing connection remained open during 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 representatives and this arbitrator were the only ones who had called into this teleconference during that period.

Ms. A. for the landlord showed that the tenant had been served with the application and Notice of Dispute Resolution Proceeding by registered mail (tracking number shown on cover page of this decision). Canada Post records show the application mail was "refused by recipient." I find the tenant has been duly served. A party cannot avoid this process by refusing mail.

Canada Post records show that the ten day Notice, mailed to the rental unit where the tenant continues to reside, was delivered on July 5, 2019. The tenant has not applied to cancel that Notice and has not paid rent.

As result, this tenancy ended on July 16, 2019 by operation of s. 46 of the *Residential Tenancy Act* and the landlord is entitled to an order of possession.

I award the landlord unpaid rent for June and July 2019 in the amount of \$1100.00 plus occupation rent for the months of August and September 2019 in the amount of

\$1100.00. I award the landlord recovery of the \$100.00 filing fee, for a total award of \$2300.00.

The landlord holds no deposit money to offset against the award and so the landlord will have a monetary order against the tenant for the full award of \$2300.00.

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 17, 2019

Residential Tenancy Branch