



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RAAMCO INTERNATIONAL PROPERTIES CANADA
LTD. 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 attached to the tenant's door on July 2, 2019 and for a monetary award for unpaid rent.

This matter was initially brought as a Direct Request Application but was redirected to a full hearing. By an interim decision dated July 19, 2019 the adjudicator directed it be reconvened as a full hearing, that a Notice of Reconvene Hearing would issue with the interim decision and that both be served on the tenant along with all other required documents within three days.

The respondent tenant did not attend this hearing within ten minutes after its scheduled start time at 9:30 o'clock a.m. on September 19, 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. G.M. and this arbitrator were the only ones who had called into this teleconference during that period.

Mr. G.M. shows that the Notice of Reconvened Hearing and interim decision were served on the tenant by registered mail to the rental unit where the tenant still resides. Canada Post records (tracking number shown on cover page of this decision) show that the item was mailed to the tenant on July 20 and went "unclaimed by recipient." On this evidence I find that the tenant has been duly served. A respondent cannot avoid this process by declining to receive mail.

On the undisputed testimony of Mr. G.M., I find that a ten day Notice to End Tenancy was posted on the tenant's door, by him, on July 2, 2019. Under s. 90 of the

Residential Tenancy Act (the “*Act*”) the tenant is deemed to have received that Notice on the third day after it was attached, namely: July 5, 2019.

The tenant failed to pay any rent within five days after July 5 (though he did pay money accepted by the landlord as occupation rent on July 15) and so, as a result, this tenancy ended by operation of s. 46 of the *Act* on July 15, 2019 and the landlord is entitled to an order of possession.

The landlord withdraws its claim for unpaid rent.

I award the landlord recovery of the \$100.00 filing fee for this application and authorize it to recover that amount from the \$425.00 security deposit that it holds.

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 19, 2019

Residential Tenancy Branch