



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover its filing fee for this application from the tenant pursuant to section 72.

The landlord's agent (the landlord) attended the hearing via conference call and provided undisputed testimony. The tenant attended but did not submit any documentary evidence. The landlord provided undisputed testimony that the tenant was served with the notice of hearing package and the submitted documentary evidence via Canada Post Registered Mail on September 5, 2019. The landlord provided in her direct testimony the Canada Post Customer Receipt Tracking Number (listed on the cover of this decision) as confirmation and that an online search of the delivery shows that it was delivered to the tenant on September 6, 2019. Neither party raised any service issues. I accept the undisputed evidence of the landlord and find that the tenant was properly served as per sections 88 and 89 of the Act.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order for unpaid rent and recovery of the filing fee?

Background and Evidence

While I have turned my mind to all the documentary evidence, and the testimony of the parties, not all details of the respective submissions and / or arguments are reproduced here. The principal aspects of the applicant's claim and my findings are set out below.

This tenancy began on November 1, 2017 on a month-to-month basis as per the submitted copy of the signed tenancy agreement dated October 23, 2017. The monthly rent is \$1,210.00 payable on the 1st day of each month. A security deposit of \$605.00 was paid. Both parties confirmed the tenant also receives a rent subsidy making the tenant's portion of the rent \$1,123.00 after the subsidy is applied.

The landlord claims that the tenant was served with a 10 Day Notice to End Tenancy for Unpaid Rent dated August 7, 2019 by posting it to the rental unit door on August 7, 2019. It states in part that the tenant failed to pay rent of \$1,869.00 that was due on August 1, 2019 and provides for an effective end of tenancy date of August 17, 2019.

The landlord seeks a clarified claim for unpaid rent which consists of:

\$746.00	Unpaid Rent, July 2019, rolling arrears from April 2019
\$1,123.00	Unpaid Rent, August 2019
\$1,123.00	Unpaid Rent, September 2019
-\$1,700.00	Partial Rent Payment, paid September 13, 2019
\$1,123.00	Unpaid Rent, October 2019
\$2,415.00	Outstanding Rent Owed as of hearing date

Both parties confirmed the above noted amounts during the hearing and of the partial rent payment made by the tenant. The tenant confirmed that rent was not paid as claimed by the landlord.

Analysis

Pursuant to section 46 of the Act, a landlord may end a tenancy if rent is unpaid on any day after the day it is due, by giving notice to end tenancy effective on a date that is not earlier than ten days after the date the tenant receives the notice.

In this case, I accept the undisputed evidence of both parties and find that the 10 Day Notice dated August 7, 2019 was served to the tenant by posting it to the rental unit door on August 7, 2019. The tenant acknowledged that rent was not paid and confirmed the amounts claimed by the landlord. On this basis, I find that the landlord has established a claim for an order of possession and a monetary order. The landlord

is granted an order of possession to be effective 2 days after it is served upon the tenant as the effective end of tenancy date has now passed.

As for the monetary claim of \$2,415.00, I find based upon the undisputed evidence of both parties that the landlord has provided sufficient evidence based upon the 10 Day Notice dated August 7, 2019 that rent was unpaid and continued to be unpaid with the exception of the partial payment. The landlord is entitled to recovery of unpaid rent of \$2,415.00.

The landlord having been successful is also entitled to recovery of the \$100.00 filing fee.

Conclusion

The landlord is granted an order of possession for unpaid rent.
The landlord is granted a monetary order for \$2,515.00.

These orders must be served upon the tenant. Should the tenant fail to comply with the orders, the orders may be filed in the Supreme Court of British Columbia and the Small Claims Division of the Provincial Court of British Columbia and enforced as an order of those Court(s).

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: October 28, 2019

Residential Tenancy Branch