



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OPR, MNR, OPL, FF

### **Introduction**

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent / loss of revenue - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided proof of registered mail service as noted on the Style of Cause page (title page) of this matter. The landlord was given opportunity to be heard, to present evidence and to make submissions.

### *Preliminary matters*

At the outset of this hearing the landlord orally amended their claim seeking solely an Order of Possession pursuant to an undisputed 10 Day Notice to End Tenancy for unpaid rent.

### **Issue(s) to be Decided**

Is the notice to end tenancy valid and in compliance with Section 52 of the Act?  
Is the landlord entitled to an Order of Possession?

### **Background and Evidence**

The relevant evidence of this matter is as follows. Rent in the amount of \$1000.00 is payable in advance on the twenty fifth (25th) day of each month. The tenant failed to pay rent in the month of September 2019 and on September 28, 2019 the landlord served the tenant with a notice to end tenancy for non-payment of rent, by posting the Notice on their door. The landlord provided a copy of and proof they issued the Notice document. The tenant failed to pay the rent within

the 5 days permitted by the Act to do so and as stipulated in the Notice, ultimately satisfying the rent October 23, 2019, after the effective date of the Notice had passed.

### **Analysis**

*The full text of the Act, and other resources, can be accessed via the Residential Tenancy Branch website: [www.gov.bc.ca/landlordtenant](http://www.gov.bc.ca/landlordtenant).*

Based on the landlord's evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid and it complies with Section 52 of the Act. The tenant did not apply for Dispute Resolution to dispute the notice nor paid the rent within the prescribed 5 days to do so and is therefore, by way of **Section 46(5)** of the Act, is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

The landlord is further entitled to recovery of the filing fee. Therefore,

**I grant an Order of Possession** to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

**I grant** the landlord a monetary **Order** under Section 67 of the Act for the amount of **\$100.00** in respect to the filing fee for this matter. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

### **Conclusion**

The landlord's application is granted. **This Decision is final and binding.**

*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: November 04, 2019

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Residential Tenancy Branch