



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WING LEE HOLDINGS 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 dated and posted to the tenants' door on November 27, 2019. It also seeks a monetary award for unpaid rent.

Neither respondent tenant attended for the hearing within forty five minutes after its scheduled start time at 9:30 a.m. on January 21, 2020. 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 and this arbitrator were the only ones who had called into this teleconference during that period.

This matter first came on as an *ex parte* Direct Request application by the landlord. The direct request was refused and the matter was adjourned for a full hearing this day. As part of the direct request refusal process, the landlord was provided with a Notice of Dispute Resolution Proceeding document with the direction to serve it on the tenants. That Notice gives the date and time for this hearing, states the relief sought and instructions for dialling into the hearing.

Mr. J.C. for the landlord testifies that he personally served the Notice on the tenant, both of whom are persons known to him, by handing a Notice to each as they stood in the rental unit garage on the morning of December 14, 2019. He says he also served them by registered mail but he was unable to provide the Canada Post tracking numbers for that mail.

On this evidence I find that the tenants have been duly served.

On the undisputed evidence of Mr. J.C. I find that the tenants were deemed to have received the ten day Notice to End Tenancy for unpaid rent on November 29, 2019, that they failed to either pay the rent demanded in the Notice or apply to challenge the Notice within five days after receipt or at all and as a result, in accordance with s. 46 of the *Residential Tenancy Act*, (the “Act”), this tenancy ended on December 9, 2019.

As a result, the landlord is entitled to an order of possession.

Mr. J.C. has produced the landlord’s business ledger, a business record, which corroborates his testimony that as of December 12, 2019 the tenants owed the landlord \$5480.00 in outstanding rent. He confirms that the tenants have paid no money since.

On this evidence I grant the landlord a monetary award of \$5480.00 plus recovery of the \$100.00 filing fee.

Mr. J.C. declined having the tenants’ deposit money applied to the monetary award at this time.

There will be a monetary order against the tenants jointly and severally in the amount of \$5580.00.

This decision was rendered orally at hearing and 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: January 21, 2020

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Residential Tenancy Branch