



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1162538 B.C. LTD.  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      MNR, OPR, FF

### Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy dated November 27, 2019 and for a monetary award of \$1440.00 for unpaid rent from November and December 2019.

The respondent tenant did not attend for the hearing within 10 minutes after its scheduled start time at 11:00 a.m. on January 24, 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 Mr. S.S. and this arbitrator were the only ones who had called into this teleconference during that period.

Mr. S.S. for the landlord showed that the application and notice of hearing were served on the tenant by registered mail (tracking number shown on cover page of this decision) addressed to the tenant at the rental unit and sent December 19, 2019. Canada Post records show the mail went “unclaimed by recipient.” A party cannot avoid this process by declining to retrieve her mail. I find that the tenant has been duly served.

Mr. S.S. showed the applicant was served with the ten day Notice to End Tenancy by registered mail (tracking number shown on cover page of this decision) addressed to the tenant at the rental unit and sent November 28, 2019. Canada Post records show that mail went “unclaimed by recipient” and was returned to the landlord. I find the ten day Notice was duly served on the tenant and was deemed to have been received by her on December 3, 2019.

I accept Mr. S.S.'s statement that the tenant did not pay the amount demanded in the Notice nor apply to cancel it. As a result, by operation of s.46 of the *Residential Tenancy Act* (the "*Act*"), this tenancy ended on December 14, 2019 and the landlord is entitled to an order of possession.

I accept Mr. S.S.'s confirmation that the tenant owes November and December rent in the sum of \$1440.00. His verbal request for January 2020 rent or occupation rent must be refused in the absence of the tenant. The landlord is free to re-apply in that regard.

The landlord will have a monetary order against the tenant for \$1440.00 plus the \$100.00 filing fee for a total of \$1540.00.

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: January 24, 2020

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Residential Tenancy Branch