



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PACIFIC QUORUM PROPERTIES
INC and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

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 and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The tenant did not attend this hearing, although I waited until 9:40 a.m. in order to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord's agent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The agent entered written evidence and sworn testimony that he served the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) by registered mail on September 16, 2021 and was signed for and accepted by the tenant on September 23, 2021. I am satisfied that the landlord's agent served this Notice to the tenant in accordance with section 88 of the *Act*.

The landlord's agent gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on November 9, 2021. In accordance with sections 89 and 90 of the *Act*, I am satisfied that the tenant was deemed served with the landlord's dispute resolution hearing packages on November 14, 2021, five days after mailing.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary award for unpaid rent?

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The agent gave the following undisputed testimony. The tenancy began on or about September 15, 2018. Rent in the amount of \$1235.00 is payable in advance on the first day of each month. The agent testified that the tenant first started falling behind in paying the rent in August 2019. The agent testified that they worked with the tenant to allow her to catch up. The agent testified that she would make some payments but fall behind again and again. The agent testified that despite numerous warning and discussions to pay the rent on time, the tenant consistently fell behind five to six months of rent. The agent served the 10 Day Notice to the tenant on September 16, 2021. The tenant provided cheques to pay some rent, but all of the cheques “bounced”. The agent advised that as of today’s hearing the amount of unpaid rent is 10,508.90.00. The agent requests that amount along with the \$100.00 filing fee for this application.

Analysis

The tenant failed to pay their rent in full within five days of being deemed to have received the 10 Day Notice. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of being deemed to have received the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenants’ failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice.

In this case, this required the tenant to vacate the premises by October 1, 2021. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord is granted an Order of Possession pursuant to Section 55 of the *Act*, which must be served on the tenant(s). If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Based on the undisputed evidence provided by the landlord, I am satisfied that the tenant continues to owe the landlord unpaid rent as well as the recovery of the filing fee

for this application. I issue a monetary award in the landlord's favour in the amount of \$10,608.90.

Conclusion

The landlord is granted an order of possession and a monetary order for \$10,608.90.

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: December 09, 2021

Residential Tenancy Branch