



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kendall Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing via registered mail sent to the rental unit on October 1, 2014, the tenants did not participate in the conference call hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord's undisputed evidence is as follows. The tenants are obligated to pay \$843.15 in rent in advance on the first day of each month. The tenants failed to pay rent on time in the months of July and in September they paid no rent whatsoever. They made a partial payment of their September rent but as of the date of this hearing, remained \$643.45 in arrears.

On September 5, 2014, the landlord served on the tenants a 10 day notice to end tenancy for unpaid rent (the "Notice") by posting the Notice to the door of the rental unit.

The landlord seeks an order of possession and a monetary order for the rental arrears, 2 months of \$25.00 late payment fees pursuant to the terms of the tenancy agreement and recovery of the \$50.00 filing fee paid to bring their application.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenants failed to pay their rent when it was due in September. I find that the tenants received the Notice on

September 8, 3 days after it was posted to their door, and as the tenants did not pay the arrears in full or dispute the Notice within 5 days of receipt, I find that they are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I grant the landlord an order of possession effective November 30, 2014. If the tenants fail to comply with the order, it may be filed in the Supreme Court for enforcement.

I find that the tenants are \$643.45 in arrears and I find that the landlord is entitled to payment of those arrears. I award the landlord \$643.45. I further find that the landlord is entitled to late payment fees for the months of July and September and I award them \$50.00. I further find that the landlord is entitled to recover the filing fee paid to bring this application and I award them \$50.00 for a total award of \$743.45. I grant the landlord a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court. If the landlord holds a security deposit, they may apply this deposit to the amount awarded and enforce the balance of the order against the tenants.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$743.45.

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 13, 2014

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Residential Tenancy Branch

