



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy dated October 8, 2016 and for a monetary award for unpaid October 2016 rent. By amendment dated October 25, 2016 she seeks a monetary award for unpaid November and December rent.

The tenant did not attend the hearing within twenty minutes after its scheduled start time.

The landlord testifies that she personally served the tenant with the application for dispute resolution and notice of hearing on October 17, 2016. She says she also sent the application package to the tenant by registered mail. Canada Post records for the registered mail (tracking number shown on cover page of this decision) show that the mail was sent October 17, 2016 and that it was “refused by recipient.”

A respondent cannot avoid service by declining to accept registered mail.

On this evidence I find that the tenant was duly served with the application and notice of hearing.

The landlord testifies that she served the amendment to her claim, dated October 25, 2016 on the tenant by hand on October 25, 2016. On this testimony I find that the tenant has been duly served with the amendment.

The tenant has not paid the amount demanded in the ten day Notice within five days after receipt, or at all. As a result, by operation of s. 46 of the *Residential Tenancy Act*, this tenancy ended on October 19, 2016 and the landlord is entitled to an order of possession.

I find that the tenant owes the landlord \$850.00 for unpaid October 2016 rent and \$1700.00 for occupation rent for the months of November and December.

I award the landlord \$2550.00, as claimed, plus recovery of the \$100.00 filing fee.

I authorize the landlord to retain the \$400.00 security deposit she holds, in reduction of the amount awarded. She will have a monetary order against the tenant for the remainder of \$2250.00.

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: December 06, 2016

Residential Tenancy Branch