



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 657414 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: *OPC, MNR*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession pursuant to a one-month notice to end tenancy for cause. The landlord also applied for a monetary order for unpaid rent.

The landlord testified that she served the tenant with the notice of hearing and evidence package by registered mail July 15, 2020. The landlord filed a copy of the tracking slip. Despite having been served the notice of hearing package by the landlord, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession and to the recovery of unpaid rent?

Background and Evidence

The landlord testified that the tenancy started on September 01, 2007. The monthly rent is \$949.15 due on the 7th of each month.

The landlord testified that the tenant was late paying rent four times in 2019, for the months of July, August, September and December. In February 2020, the tenant paid partial rent and owes \$624.47. On February 28, 2020, the landlord served the tenant with a notice to end tenancy for cause, by leaving the notice in the tenant's mailbox. The reason for the notice is that the tenant is repeatedly late paying rent.

The landlord testified that due to the Pandemic, she did not file this application prior to July 14, 2020.

The landlord stated that the tenant also failed to pay rent that was due on March 07, 2020 and continues to reside in the rental unit without paying full rent for each subsequent month.

The tenant did not dispute the notice. The landlord has applied for an order of possession effective August 31, 2020 and for a monetary order for \$1,573.62 which consists of unpaid rent for February 2020 (\$624.47) plus March 2020 (\$949.15).

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant is deemed to have received the notice to end tenancy, on March 02, 2020 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective by 1:00 pm on August 31, 2020. This Order may be filed in the Supreme Court for enforcement.

I further find that the landlord is entitled to \$1,573.62 for unpaid rent. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective by 1:00 pm on August 31, 2020

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: August 20, 2020

Residential Tenancy Branch