



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with an application by the landlord for an order of possession. Both parties participated in the conference call hearing.

At the hearing, the parties agreed that the tenant's name was misspelled on the application for dispute resolution and agreed that it was appropriate to change the name to reflect the accurate spelling. The style of cause in this decision and accompanying order reflects that change.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The facts are not in dispute. The tenant is obligated to pay \$650.00 per month in rent and did not pay the full amount of her rent in the month of January 2012. The tenant acknowledged having received a 10 day notice to end tenancy on January 9, 2012.

The tenant argued that the landlord intended to sell the rental unit and therefore she should be entitled to receive one month's free rent.

Analysis

Section 49 of the Act provides that when a landlord has sold a rental unit and has been requested in writing by the purchaser to give notice to existing tenants because the purchaser intends to reside in the unit, the existing tenants are entitled to receive one month's free rent upon receipt of such a notice. In this case, the landlord had not yet sold the unit or served the tenant with a 2 month notice to end tenancy and therefore the tenant was still obligated to pay rent in full at the beginning of each month.

I find that the tenant failed to pay all the rent due in the month of January and that on January 9 she received a 10 day notice to end tenancy for unpaid rent. The tenant did

not pay the arrears or dispute the notice within 5 days of receipt and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. I grant the landlord an order of possession which must be served on the tenant. If the tenant fails to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession.

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: February 14, 2012

Residential Tenancy Branch