



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided evidence the tenant was sent the Notice of Hearing package February 24, 2012. Section 90 of the Act states that in this matter the tenant is deemed served on the 5th day after the registered mail is sent – February 29, 2012.

The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Background and Evidence

Rent in the amount of \$1000 is payable in advance on the first day of each month. The tenant failed to pay rent reportedly since September 2011, and on February 11, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent with

accrued arrears of \$5000. The landlord provided evidence that the tenant was sent the Notice to End by registered mail, and the tenant is deemed to have received the registered mail February 16, 2012. The landlord testified that the tenant has not paid any of the outstanding arrears of rent. The landlord's requests an Order of Possession.

Analysis

Based on the landlord's testimony and evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

Conclusion

I grant an Order of Possession to the landlord, **effective 2 days from the day it is served** on the tenant. The tenant must be served with this **Order of Possession**. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: March 12, 2012

Residential Tenancy Branch