



Dispute Resolution Services

Page: 1

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 pursuant to a notice to end tenancy for unpaid rent. Three agents for the landlord, the tenant and an advocate for the tenant participated in the teleconference hearing.

At the outset of the hearing, the tenant stated that she had not received the second page of the landlord's application for dispute resolution in her hearing package. The landlord stated that the second page of the application was included in the package served on the tenant. The landlord stated that the day before the hearing, the tenant asked the landlord to make a copy of the application, as the tenant had misplaced her copy. In the hearing the tenant confirmed that she had asked the landlord for a copy, and she then stated that she could not verify whether the second page was or was not included in the hearing package. I therefore found, on a balance of probabilities, that the tenant had been served with the second page of the application, and I proceeded with the hearing.

The tenant confirmed that she had received a copy of the notice to end tenancy. There was no copy of the notice to end tenancy in my file, so I allowed the landlord to fax me a copy of the notice after the teleconference hearing concluded.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on May 12, 2011. Rent in the amount of \$375 is payable in advance on the first day of each month. The tenant failed to pay rent for several months, and on October 29, 2012 the served the tenant with a notice to end tenancy for non-payment of rent. The notice indicated that the tenant owed \$3,000 in unpaid rent as of October 1, 2012. The tenant did not make any payment on the outstanding rent.

The tenant did not dispute these facts. She stated that she had not been paying her rent because she was cut off from Ministry funding.

Analysis

Based on the evidence, I find that the tenant was served with a notice to end tenancy for non-payment of rent. 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 the landlord an order of possession effective two days from service. The tenant must be served with the 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: December 14, 2012.

Residential Tenancy Branch