



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SEEGMOR HLDINGS INC  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, OPR, FF

### Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession and a Monetary Order for unpaid rent.

### Issues to Be Decided

- Is the Notice to End Tenancy (the “Notice”) served upon the tenant effective to end this tenancy, and entitle the landlord to an Order of Possession?
- Is there rent money due and payable by the tenant?

### Background and Evidence

This tenancy began on September 1, 2012. Rent is due on the 1<sup>st</sup> day of each month in the amount of \$895.00. A security deposit of \$450.00 was paid. The landlord served the tenant with a 10-Day Notice to End Tenancy on April 9, 2013, after not receiving all the rent for the month of February. The tenant did not pay the balance of April’s rent or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. There are now additional rental arrears owing to the landlord.

### Analysis

In the absence of the required rental payment, or a dispute of the notice within the 5 day period set out in the Notice, the tenant is conclusively presumed to have accepted the end of the tenancy agreement on the effective date of the Notice, by virtue of section 46(5)(a) of the Residential Tenancy Act. As the effective date of the Notice has passed, the landlord has established a right to possession.

The landlord is entitled to recover the rental arrears for April of \$295.00, as well as the loss of rent for May to the effective end of the tenancy, which will be 48 hours following service of the Order of Possession, or May 19, 2013. This loss is determined to be \$548.55. I also award the landlord’s filing fee of \$50.00. The total owed by the tenant is therefore \$893.55.

### Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective 48 hours following service upon the tenant. Should the tenant fail

to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The landlord is entitled to a monetary award of \$893.55.

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: May 17, 2013

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Residential Tenancy Branch

