



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wooden Bear Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This was the hearing of an application by the landlord for an order for possession pursuant to a 10 day Notice to End Tenancy for unpaid rent. The hearing was conducted by conference call. The landlord's agent and the tenant called in and participated in the hearing. The tenant was also assisted by his social worker who attended the hearing with him.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Background and Evidence

The rental unit is a suite in a building converted to a fourplex. The tenant has occupied the rental unit for many years with his partner as co-tenant. The co-tenant died and the tenant entered into a new rental agreement as the sole tenant commencing in November, 2012. The monthly rent is \$795.00.

The tenant did not pay rent for May and the landlord personally served the tenant with a 10 day Notice to End Tenancy for unpaid rent on May 3, 2013. The tenant has not paid rent for May or for June and he did not file an application to dispute the Notice to End Tenancy. The landlord has not requested a monetary order for unpaid rent, but has applied only for an order for possession.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant

does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court 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: June 13, 2013

Residential Tenancy Branch

