



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession for non payment of rent.

Although served with the Application for Dispute Resolution and Notice of Hearing in person on June 12, 2013, which was witnessed, the tenants did not appear. I find that the tenants have been duly served in accordance with the Act.

### Issue(s) to be Decided

Have the Tenants breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession.

### Background and Evidence

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for non-payment of rent on May 9, 2013, in person, which was witnessed. The tenant did not pay all the outstanding rent and did not apply to dispute the Notice and are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective vacancy date of the Notice, which was May 19, 2013.

The landlord testified that the tenant is required to pay \$950.00 per month in rent. The landlord stated she has only received \$400.00 each month since May 2013, as that amount is paid directly to her from the ministry of social assistance. The landlord stated the tenant did not pay their portion and there was a shortfall of \$550.00 in rent each month. The landlord stated she did not apply for a monetary for the balance of unpaid rent.

The landlord stated that they seek an order of possession

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

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.

Conclusion

The landlord is granted an order of possession.

The landlord is a liberty to apply for the balance of rent owed.

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: July 12, 2013

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Residential Tenancy Branch