



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services and Wall Financial Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

OPR, MNR, MNSD, MNDC, FF

### **Introduction:**

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss; to retain all or part of the security deposit, and to recover the fee for filing an Application for Dispute Resolution. During the hearing the female Agent for the Landlord withdrew the application for a monetary Order for unpaid rent and lost revenue for the purposes of providing the Tenant with the opportunity to provide the Landlord with proof of payment. The Landlord retains the right to file another Application for Dispute Resolution if the parties cannot agree on the amount owing and/or the arrears is not paid.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

The female Agent for the Landlord stated that the Landlord submitted documents to the Residential Tenancy Branch, copies of which were served to the Tenant. The Tenant acknowledged receipt of the Landlord's evidence. I did not have a copy of the Landlord's evidence at the time of the hearing, however the parties were able to agree on the content of the relevant documents.

### **Issue(s) to be Decided:**

Is the Landlord entitled to an Order of Possession?

### **Background and Evidence:**

The Landlord and the Tenant agree that this tenancy began on April 15, 2012; that the Tenant is required to pay monthly rent of \$720.00 by the first day of each month; and that the Tenant paid a security deposit of \$360.00.

The Landlord and the Tenant agree that on June 04, 2013 the Tenant was personally served with a Ten Day Notice to End Tenancy for Unpaid Rent, which had an effective date of June 14, 2013. The Notice declared that the Tenant owed \$1,384.00 in rent.

The Tenant acknowledged that he owes some rent to the Landlord for the period prior to June 30, 2013 but he stated that it is not nearly as much as was stated on the Notice to End Tenancy. He stated that he also owes rent for July of 2013. He acknowledged that he did not dispute the Notice to End Tenancy and he did not move out of the unit on the effective date of the Notice.

### Analysis

On the basis of the undisputed evidence, I find that the Tenant received a Ten Day Notice to End Tenancy on June 04, 2013, served pursuant to section 46 of the *Act*, which directed the Tenant to vacate the rental unit by June 14, 2013.

Section 46(5) of the *Act* stipulates that a tenant is conclusively presumed to have accepted the tenancy ends on the effective date of the Notice to End Tenancy if the tenant does not either pay the outstanding rent or file an Application for Dispute Resolution to dispute the Notice within five days of receiving the Notice to End Tenancy.

As the Tenant has acknowledged that some rent is still due for the period prior to June 30, 2013 and the Tenant did not file an Application for Dispute Resolution to dispute the Notice, I find that the Tenant accepted that the tenancy has ended, pursuant to section 46(5) of the *Act*. On this basis I find that the Landlord is entitled to an Order of Possession.

I find that the Landlord's application has merit and I authorize the Landlord to retain \$50.00 from the Tenant's security deposit in compensation for this fee.

### Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with 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: July 11, 2013

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Residential Tenancy Branch