



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION
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.

The tenant failed to attend the hearing. I accept that the tenant was properly served with the Application for Dispute resolution hearing package by way of registered mail.

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, 2007. Rent is due on the 1st day of each month in the amount of \$1,127.00. A security deposit of \$450.00 was paid at the start of the tenancy. The landlord served the tenant with a 10-Day Notice to End Tenancy on August 6, 2013, after the rents fell into arrears. A rental payment was eventually paid on September 9, 2013, and was accepted by the landlord on a use and occupation basis, leaving arrears of \$40.00 as of that date. This payment was not made within the required five days of receiving the Notice to End Tenancy. No further rental payment has been made.

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 extended by the use and occupation period, which has now also expired. The landlord has established an immediate right to possession. The landlord is also entitled to recover the rental arrears and filing fee from the tenant.

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 issued a monetary order in the amount of \$90.00, representing the \$40.00 rental arrears, together with recovery of the \$50.00 filing fee.

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: October 09, 2013

Residential Tenancy Branch