



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LLA INVESTMENTS LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      opr, mnr, mnsd, mndc, 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, a Monetary Order; and an order to retain the security deposit. At the hearing, the landlord amended the claim, abandoning all monetary claims, and the landlord now seeks an Order of Possession only.

### 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?

### Background and Evidence

The landlord testified that on September 12, 2013, the landlord served the tenant with a 10-Day Notice to End Tenancy, following shortfalls in the rent in July and August and September. The tenant did not pay the full rental arrears or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. Subsequent payments were made, some of which failed to clear the bank, and some of which were Ministry contributions towards rent. As of the date of this hearing, there continue to be arrears, but the landlord is no longer pursuing those from the tenant.

The tenant testified that the amount owing in rent changed at times during the tenancy. She acknowledges that she did not dispute the subject Notice to end her tenancy, and that there were shortfalls in some of the monthly rent payments. She is agreeable to the ending of the tenancy.

### Analysis

The parties have agreed to the ending of the tenancy, effective January 1, 2014. I accept that in the absence of the required 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. The landlord has established a right to possession, effective January 1, 2014.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective on the 1<sup>st</sup> day of January, 2014. Should the tenant be served with, but fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The landlord's monetary claims are dismissed.

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: December 18, 2013

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Residential Tenancy Branch

