



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This matter dealt with an application by the Landlord for an Order of Possession.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on March 26, 2014. Based on the evidence of the Landlord, I find that the Tenant were served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?

Background and Evidence

This tenancy started in May, 2013 as a month to month tenancy. Rent is \$600.00 if the Landlord pays the utilities and \$500.00 if the Tenant pays the utilities. As well the Tenant could receive a reduced rent for work done on the property.

The Landlord said that the Tenant has unpaid rent from July, 2013 to the present date in the amount of \$5,500.00. When the Tenant had not pay his rent for 5 months the Landlord registered mailed a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated November 12, 2013 to the Tenant. The Landlord said the Tenant did not accept the registered mail so he posted the Notice on the door of the rental unit on November 22, 2013 as well. The Landlord said the Tenant is living in the unit and the Landlord requested an Order of possession for as soon as possible.

The Landlord continued to say that at his time he just wanted the rental unit back and he will decided later if he is going to make a monetary claim for unpaid rent and damages.

Analysis

Section 46 of the Act states that within 5 days of receiving A Notice to End Tenancy for Unpaid Rent or Utilities, a Tenant must either pay the overdue rent or apply for dispute resolution.

I find that the Tenant has not paid the overdue rent and has not applied for dispute resolution. Consequently, I find pursuant to s. 55(2)(b) of the Act that the Landlord is entitled to an Order of Possession to take effect 48 hours after service of it on the Tenant.

Conclusion

I award to the Landlord an Order of Possession effective 2 days after service of it on the Tenant. A copy of the Order must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia.

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: May 12, 2014

Residential Tenancy Branch

