



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Women's Resource Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This was a hearing with respect to the landlord's application for an order for possession. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not attend the hearing although served with the application and Notice of Hearing.

Issue(s) to be Decided

Is the landlord entitled to an order for possession and if so, when should it be effective?

Background and Evidence

The rental unit is located in the landlord's subsidized housing facility in Vancouver. the tenancy began in 20011. The monthly rent is \$375.00. the tenant has not paid rent for the past 11 months and on April 1, 2014 the landlord personally served the tenant with a 10 day Notice to End Tenancy for \$4,125.00 in unpaid rent. The Notice required the tenant to move out of the rental unit by April 11, 2014.

Recently the tenant gave the landlord a cheque in the amount of \$375.00 in payment of June rent. The payment was accepted for use and occupancy only. The landlord's representative requested that an order for possession be granted effective June 30, 2014. The landlord is not pursuing a monetary order for unpaid rent. The landlord's representative said that the landlord may be willing to negotiate a payment plan with the tenant that would allow her tenancy to continue, but as of the time of the hearing there has been no agreement to continue the tenancy after June 30th.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective June 30, 2014 after service on the tenant. This order may be filed in the Supreme Court 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: May 30, 2014

Residential Tenancy Branch

