



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HFBC Housing Foundation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR

### Introduction

This hearing dealt with an application by the landlord for an order of possession. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not appear although he was served with the Application for Dispute Resolution and Notice of Hearing by posting to the door of the rental unit on July 18, 2014.

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

This tenancy began on June 15, 2014. The rent is \$773.00 due in advance on the first day of each month. The tenant paid a security deposit of \$300.00 on June 4, 2014. The tenant did not pay rent for July when it was due. On July 3, 2014 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. The tenant has not paid rent February or for March and he did not file an application to dispute the Notice to End Tenancy. The tenant advised by telephone that he has been incarcerated and said his girl friend would remove his belongings from the rental unit.. Recently a friend attended at the rental unit and removed most of his belongings. The landlord's representative said that some items were left in the rental unit and the landlord has requested that an order of possession be granted as a precautionary matter to confirm that the tenancy has ended.

### 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 two days 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: September 19, 2014

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Residential Tenancy Branch

