



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNR, OPR, FF

Introduction

The landlord applies for an Order of Possession and a Monetary Order.

I accept that the tenant was properly served with the Application for Dispute resolution hearing package by way of registered mail. The tenant did not attend the hearing. Failure or refusal by the tenant to accept the registered mail does not invalidate such service.

Issues to Be Decided

- Is the Notice to End Tenancy 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

Rent is due in this tenancy on the 15th day of each month in the amount of \$2,500.00. The landlord served the tenant with a 10-Day Notice to End Tenancy on August 15, 2014, after not receiving rent for the months of July and August. The tenant did not pay the rent or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. No rent has been paid since, and the tenant remains in occupancy of the premises.

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 the effective date of the Notice has passed, the landlord has established a right to possession. 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 entitled to receive from the tenant the rental arrears and overholding rent from July, August, September, and October, which totals \$10,000.00, together with recovery of the \$100.00 filing fee.

Conclusion

The landlord is issued an Order of Possession effective 48 hours following service, as well as a Monetary Order in the sum of \$10,100.00.

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 23, 2014

Residential Tenancy Branch

