



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR

### Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on August 22, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on August 28, 2014. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

### Background and Evidence

The parties entered into a tenancy agreement approximately 4 ½ years ago. The rent is \$1800 per month payable on the first day of each month. The tenant paid a security deposit of \$900 at the start of the tenancy.

The tenant(s) failed to pay the rent for 2013 and the sum of \$21,600 remains outstanding. The tenant also owes the sum of \$7400 for the period January 1, 2014 to August 1, 2014. The tenant(s) continues to live in the rental unit.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession. **At the request of the landlord I set the effective date of the Order for Possession for 7 days notice.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

The landlord did not apply for a monetary order, an order to keep the security deposit and to recover the cost of the filing fee and as a result no order is made.

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 17, 2014

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Residential Tenancy Branch

