



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Kinsmen Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes OPQ, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although she was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on September 23, 2014.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began on July 1, 2013. The market rent is \$1,000.00 due in advance on the first day of each month. The tenant paid a security deposit of \$500.00 at the start of the tenancy. The tenant received a rent subsidy and has paid a monthly rent of \$486.00. The landlord's representative testified that the tenant has not provided the necessary documentation to continue to qualify for a rent subsidy and on June 24, 2014 the tenant was served with a two month Notice to End Tenancy because the tenant does not qualify for a subsidized rental unit. The Notice to End Tenancy was placed in the tenant's mailbox on June 24, 2014. The tenant has not filed an application to dispute the Notice to End Tenancy. The Notice to End Tenancy required the tenant to move out of the rental unit by August 31, 2014.

Analysis

Section 49.1 (5) of the Act provides that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant may dispute the Notice within 15 days after she receives it by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does not file an application to dispute the Notice to End Tenancy, the tenant is conclusively presumed to have accepted that the tenancy

ended on the effective date of the Notice. The effective date of the Notice to End Tenancy has passed.

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.

The landlord is entitled to recover the \$50.00 filing fee for this application and the landlord may deduct the sum of \$50.00 from the security deposit that it holds.

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: November 04, 2014

Residential Tenancy Branch

