



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      mnr, opr, ff

### Introduction

The landlord has applied for dispute resolution of a dispute in the tenancy at the above noted address, and requests an Order of Possession and a Monetary Order.

The tenant did not attend the hearing. I accept that the tenant was personally served with the Application for Dispute resolution hearing package, and with the 10 day Notice to End Tenancy.

### Issues to Be Decided

- Is the Notice to End Tenancy 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

This tenancy began on or about November, 2013. Rent is due on the 1<sup>st</sup> day of each month in the amount of \$525.00. The landlord served the tenant with a 10-Day Notice to End Tenancy on November 13, 2014, after not receiving a portion of the rent for September, October and November. The tenant did not pay the rent or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. There are now rental arrears of \$600.00 owing to the landlord.

### 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.

The landlord is entitled to recover the rental arrears and filing fee from the tenant.

Conclusion

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 issued a monetary order in the amount of \$650.00, representing the \$600.00 rental arrears, and the recovery of the landlord's \$50.00 filing fee.

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: December 16, 2014

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Residential Tenancy Branch

