



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      opr, mnr, 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.

I accept that the tenant was properly served with the Application for Dispute Resolution hearing package by way of registered mail.

### Issues to Be Decided

- Is the Notice to End Tenancy (the "Notice") 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

This tenancy began on November 16, 2012. Rent is due on the 1<sup>st</sup> day of each month in the amount of \$550.00. A security deposit of \$275.00 was paid. The landlord personally served the tenant with a 10-Day Notice to End Tenancy on January 2, 2015, as the tenant had fallen into arrears and owed \$1,000. 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, despite numerous promises.

### 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.

I accept that in addition to the arrears of \$1,000.00 that cover the rental loss until January 31, 2015, the landlord will suffer a loss of rental income until at least mid February, and is entitled to a further award of \$275.00 for that period. The landlord

remains at liberty to reapply for any further loss, once such loss can be quantified. The landlord's filing fee of \$50.00 is also awarded.

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 \$1,325.00, representing the rental arrears of \$1,000.00, loss of February rent (1/2 month = \$275.00), and the \$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: February 04, 2015

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Residential Tenancy Branch

