



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      mnr, mndc, opr, ff

### Introduction

The landlord applies for 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.

### Issues to Be Decided

- Is the 10 day 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

This tenancy began in February, 2014. Rent is due on the 1<sup>st</sup> day of each month in the amount of \$800.00. A security deposit of \$400.00 was paid. On February 6, 2015, the landlord served the tenant with a 10-Day Notice to End Tenancy, after not receiving rent for the month of February, and with \$400.00 owing for January. The tenant did not pay the rent or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. The tenant later paid \$400.00 at the end of February, and then paid a further \$150.00. Accordingly the sum of \$650.00 remains owing for February's rent. No rent has been paid for March.

### 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 \$650.00 rental arrears for February, as well as further \$400.00 representing the landlord's projected loss of rental income to March 15,

2015. The landlord may also recover the \$50.00 filing fee from the tenant. This results in a total due by the tenant to the landlord of \$1,100.00.

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 \$1,100.00, representing the rental arrears and recovery of the 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: March 05, 2015

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Residential Tenancy Branch

