



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes opr, mnr, 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 served with the Application for Dispute resolution hearing package by way of registered mail.

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

The applicant landlord is a sub-tenant and agent of a head tenant of the subject apartment. The respondent tenant is another sub-tenant, whose rent is payable to the landlord, who in turn pays it to the head tenant.

The sub-tenancy of the tenant began on January 1, 2013. Rent is due in advance on the last day of each month in the amount of \$350.00. The landlord served the tenant with a 10-Day Notice to End Tenancy on March 12, 2015, after not receiving rent for the month of March. 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 refuses to pay further rent, or to leave the premises. There are now rental arrears of \$700.00 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 the \$50.00 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 \$750.00, representing the rental arrears and loss of rental income for March and April, 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: April 24, 2015

Residential Tenancy Branch

