



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by posting on June 25, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the landlord is entitled to an Order for Possession?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on May 1, 2013. The tenant took possession around the middle of April 2013.. The rent was \$320 plus \$20 parking and \$25 cablevision for a total of \$365 per month. The tenant paid a security deposit of \$172.50 at the start of the tenancy.

The tenant stopped paying the rent in October 2014. The landlord served a 10 day Notice to End Tenancy on the tenant dated March 3, 2015. The tenant applied to have that Notice cancelled. In a hearing on April 16, 2015 the arbitrator dismissed the tenant's application. She further determined that the tenancy ended on March 26, 2015 and that the tenant was overholding.

The representative of the landlord was unaware that she could make an oral request for an Order for Possession at the hearing and failed to do so.

The tenant continues to fail to pay the rent. The tenant continues to live in the rental unit. .

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant's application to set aside the Notice to End Tenancy was dismissed in a hearing on April 16, 2015. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession on 2 days notice..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: August 24, 2015

Residential Tenancy Branch

