Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes   OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although she was served with the Application for Dispute Resolution and Notice of Hearing both in person on August 14, 2015 and by registered mail sent on August 14, 2015.

Issues

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on March 30, 2015. The rent is $426.00 due in advance on the first day of each month. No security deposit was paid by the tenant. The tenant did not pay rent for August when it was due. On August 11, 2015, the landlord served the tenant with a Notice to End Tenancy for non-payment of rent. The Notice was served by way of regular mail. The tenant did not dispute the Notice. The tenant has not moved out of the rental unit and has not paid rent for August or September.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of $852.00 for the outstanding rent for August and September. The landlord is entitled to recover the $50.00 filing fee for this application for a total award of $902.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: September 30, 2015

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Residential Tenancy Branch