



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession. 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 by posting on the door of the rental unit on August 12, 2015.

Initially, the landlord had sought recovery of the outstanding rent from the tenant but this application was withdrawn at the outset of the hearing.

Issues

Is the landlord entitled to an order of possession?

Background and Evidence

This tenancy began in February 2014. The rent is \$700.00 due in advance on the first day of each month. The tenant did not pay rent for several months when it was due. On June 19, 2015, the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it on the door of the rental unit. The amount of rent claimed by the landlord in the Notice is \$8,400.00. The tenant did not pay the rent indicated in the Notice and did not file an application to dispute the Notice to End Tenancy.

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.

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 28, 2015

Residential Tenancy Branch

