



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COMMUNITY BUILDERS GROUP  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      mndc, mnrc, opr

### 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 properly served (handed) 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

Rent is due on the 1<sup>st</sup> day of each month in the amount of \$600.00. The landlord served the tenant with a 10-Day Notice to End Tenancy on July 3, 2015, after not receiving rent for the months of May, June and July. The tenant did not pay the rent or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. No rent has been paid since, but the tenant remains in possession.

### 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 tenancy is ended, and the landlord has established a right to possession.

The landlord is entitled to an award for recovery of the rental arrears for May, June, July, and August (\$2,400.00) from the tenant. I accept that the landlord will certainly suffer a loss of rent until September 15, and half the rent for September (\$300.00) is also awarded. Should the landlord suffer further loss, the landlord is at liberty to reapply for same, upon such loss being quantified.

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 \$2,700.00, representing the rent owed by the tenant to September 15, 2015.

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 11, 2015

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Residential Tenancy Branch

