



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LU'MA NATIVE HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR, MNR, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated September 7, 2015 and for a monetary award for unpaid rent.

All parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

Issue(s) to be Decided

Does the relevant evidence presented during the hearing show on a balance of probabilities that the tenancy has ended, warranting an order of possession? Does it show that the landlord is owed any outstanding rent?

Background and Evidence

The rental unit is a two bedroom apartment in a 27 unit apartment building. The tenancy started in May 2005.

There is a written tenancy agreement. It shows that the respondent Ms. F.W. is the tenant. She signed the agreement. The respondent Ms. T.H.S., Ms. F.W.'s daughter is listed as a permitted occupant. She is not shown as a tenant nor did she sign the agreement.

The accommodation is subsidized housing. The tenant's portion of rent is \$618.00 per month, due on the first of each month, in advance.

The landlord does not hold any deposit money.

It is not disputed that the tenant received the ten day Notice to End Tenancy on September 7, 2015 and that she has not applied to cancel the Notice, nor has she paid the amount demanded in it, within the five days following service of the Notice or at all.

It is not disputed that the tenant is in arrears of rent in the amount of \$618.00 for each of the months May to September 2015, inclusive and for the amount of \$394.00 from April 2015.

It is not disputed that since this application was made in September 2015, the landlord has received no money from the tenant to be applied towards rent or arrears.

Analysis

The evidence shows that only the respondent Ms. F.W. is a tenant of the applicant landlord.

Section 46 of the *Residential Tenancy Act* (the “Act”) provides that if a tenant who has been served with a ten day Notice to End Tenancy under that section fails to either apply to cancel the Notice or pay the amount demanded in it within five days after service, the tenant is deemed to have accepted the end of the tenancy on the day stated in the Notice.

In the present circumstances, s. 46 has caused this tenancy to come to an end on September 17, 2015. As the tenancy has ended, the landlord is entitled to an order of possession. There are no mitigating circumstances that would cause the order of possession to be other than an immediate order.

I find that the tenant is in arrears of rent totalling \$3484.00 up to and including the month of September 2015. I grant the landlord a monetary award in that amount, plus recovery of the \$50.00 filing fee.

Conclusion

The landlord’s application is allowed. It will have an order of possession and a monetary order against the tenant Ms. F.W. in the amount of \$3534.00.

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: November 18, 2015

Residential Tenancy Branch

