



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RAINCITRY HOUSING AND SUPPORT SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      opc

### Introduction

The landlord requests an Order of Possession, base upon an undisputed one month Notice to End Tenancy.

The tenant did not attend the hearing. I accept that the tenant was properly served with both the one month Notice to End Tenancy (which was handed to the tenant on January 29, 2016) and the Landlord's application and notice of this hearing (which was handed to the tenant March 4, 2016, satisfying the requirements of section 89(2)(d) of the Residential Tenancy Act.

### Issues to Be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

A one month Notice To End Tenancy was given to the tenant on January 29, 2016, effective to end the tenancy on February 29, 2016. No dispute of the notice was ever filed by the tenant. The tenant remains in possession of the premises and has paid rent for March and April, which has been accepted by the landlord on a use and occupation basis, and not as a reinstatement of the tenancy.

### Analysis

Section 47(5) of the Residential Tenancy Act, provides that when a tenant does not make application to dispute a Notice to End the tenancy for cause within the time required, the tenant is conclusively deemed to have accepted that the tenancy ends on the effective date of the notice. Accordingly on this basis, I find the tenancy ended February 29, 2016. The tenancy has been extended on a use and possession basis until April 30, 2016 by virtue of the landlord's acceptance of rent on those terms. As the tenancy has not been reinstated by these subsequent rental payments, the landlord has established a right to possession effective April 30, 2016.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective April 30, 2016. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court 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: April 11, 2016

---

Residential Tenancy Branch