



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OP

Introduction

This was a hearing with respect to the landlord's application for an order of possession. The hearing was conducted by conference call. The landlord attended the hearing and was assisted by her son. The tenant did not attend the hearing although she was served with the application and Notice of Hearing by posting it to the door of the rental unit on March 1, 2016. Section 89 (2) of the *Residential Tenancy Act* confirms that this is a valid means of service for a landlord's application for an order of possession.

Issue(s) to be Decided

Is the landlord entitled to an order of possession pursuant to a 10 day Notice to End Tenancy dated February 18, 2016?

Background and Evidence

The rental unit is a basement suite in the landlord's house in Vancouver. The tenancy began on February 1, 2016. There is no written tenancy agreement. The landlord testified that the monthly rent is \$1,000.00, payable on the first of each month. The tenant paid a \$500.00 security deposit at the start of the tenancy, but she failed to pay rent for February and she has paid no rent since she moved into the rental unit.

The landlord testified that the tenant has damaged the rental unit and has refused to communicate with the landlord or allow the landlord to have access to inspect the rental unit.

On February 18, 2016 the landlord served the tenant with a 10 day Notice to End Tenancy by attaching a copy to the door of the rental unit. The tenant has paid no rent since the tenancy began and she has not applied 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: April 19, 2016

Residential Tenancy Branch