



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Swedish Canadian Manor Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute codes      OPR

### Introduction

This hearing dealt with an application by the landlord for an order of possession. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not appear although he was personally served with the Application for Dispute Resolution and Notice of Hearing on January 28, 2017

### Issues

Is the landlord entitled to an order of possession?

### Background and Evidence

This tenancy began on April 1, 2014. The current rent is \$351.00 due in advance on the first day of each month. The tenant's pre-authorized rent payment for January rent was disallowed due to insufficient funds. The landlord advised the tenant that rent was unpaid by letter dated January 5, 2017. On January 9, 2017 the landlord's representative served the tenant with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. The landlord's representative testified that the tenant paid the rent for January in cash in February. The landlord issued a receipt for the payment which noted that the payment was accepted: "for use and occupancy only". The tenant has not paid rent for February and he has not applied to dispute the Notice to End Tenancy. The landlord's representative requested an order of possession at the hearing.

### 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: February 21, 2017

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Residential Tenancy Branch