



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING, REVELSTOKE PROPERTY SERVICES and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** OPR, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for the recovery of the filing fee. During the hearing the landlord withdrew her application for a monetary order.

The landlord served the notice of hearing on the tenant on January 14, 2023, by posting the package on the front door of the rental unit. The landlord filed a video showing the tenant taking the package off the door. The landlord testified that the tenant was also served by email. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession?

### **Background and Evidence**

The tenancy started in September 2020. The monthly rent is \$328.00 due in advance on the first of each month.

The landlord testified that the tenant failed to pay full rent for January, August, September, October and November 2022. On November 18, 2022, the landlord served the tenant with a notice to end tenancy for unpaid rent by posting the notice on the front door in the presence of a witness. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent. The landlord stated that as of the date of this hearing the tenant owed \$1,230.00 in unpaid rent.

The landlord has applied for an order of possession effective two days after service on the tenant.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant is deemed to have received the notice to end tenancy on November 21, 2022, and did not pay outstanding rent nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

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 06, 2023

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Residential Tenancy Branch