



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, OPR, FF

### Introduction

The landlord applies for an Order of Possession and a Monetary Order.

The tenant did not attend the hearing. I accept that the tenant was properly served with the Application for Dispute resolution hearing package, and notice of this hearing, by way of registered mail.

### Issues to Be Decided

- Is the 10 day Notice to End Tenancy served upon the tenant effective to end this tenancy, and entitle the landlord to an Order of Possession?
- Is there rent money due and payable by the tenant?

### Background and Evidence

This tenancy began on March 28, 2012. Rent is due on the 1<sup>st</sup> day of each month in the amount of \$448.00. No security deposit was paid. The landlord served the tenant with a 10-Day Notice to End Tenancy on April 11, 2014 (by way of posting), after not receiving rent for the month of April, or payment of \$269.36 from a prior Rent Arrears Repayment agreement. The tenant did not pay the rental arrears or apply for dispute resolution within the required five days of receiving the Notice to End Tenancy. The tenant has made no payment of rent since, but remains in possession.

### Analysis

In the absence of the required rental payment, or a dispute of the notice within the 5 day period set out in the Notice, the tenant is conclusively presumed to have accepted the end of the tenancy agreement on the effective date of the Notice, by virtue of section 46(5)(a) of the Residential Tenancy Act. As the effective date of the Notice has passed, the landlord has established a right to possession.

The landlord is entitled to recover the rental arrears pursuant to the agreement (\$269.36), and the update rent for April (\$448.00), May (\$448.00), and June (\$448.00) and filing fee (\$50.00) from the tenant, all as claimed in the landlord's application. These sums total \$1,663.36. The landlord also remains at liberty to file a further claim for any subsequent loss of rent or other claim as against the tenant.

Conclusion

Pursuant to Section 55(2)(b) of the Residential Tenancy Act, I issue an Order of Possession effective 48 hours following service upon the tenant. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

The landlord is issued a monetary order in the amount of \$1,663.36.

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: August 26, 2014

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Residential Tenancy Branch