



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

This was a hearing with respect to the landlord's application for an order of possession pursuant to a 10 day Notice to End Tenancy for unpaid rent. The matter was commenced as a direct request proceeding to be conducted on an ex parte basis without the need for a participatory hearing. By an interim decision dated September 29, 2016, the adjudicator decided that due to a lack of information concerning rent payments since the 10 day Notice to End Tenancy for unpaid rent was given in May, 2016, the matter should be adjourned and reconvened as a participatory hearing. The hearing was scheduled to be conducted by conference call on November 22, 2016 and I was assigned to conduct the hearing. At the hearing the landlord's representative testified that he received the Notice of a Dispute Resolution Hearing and he personally served the tenant with notice of the hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession pursuant to the Notice to End Tenancy dated May 6, 2016?

Background and Evidence

The rental unit is an apartment in the landlord's rental property in Vancouver. The tenancy began on April 4, 2012. The monthly rent is \$375.00 payable on the first of each month. The landlord's representative testified that the tenant has paid no rent since December, 2015 when he took over management of the rental property.

The tenant was served with a 10 day Notice to End Tenancy for unpaid rent dated May 6, 2016. The Notice was posted to the door of the rental unit on May 6, 2016. The landlord's representative testified that the tenant has made no rent payments since the

Notice was posted and she did not file an application to dispute the Notice to End Tenancy. As of the date of this hearing the tenant continues to occupy the rental unit.

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.

The landlord has not applied for a monetary award for unpaid rent and according no monetary order has been issued

Conclusion

The landlord's application has been granted and an order of possession issued.

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: November 22, 2016

Residential Tenancy Branch