



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for unpaid rent and utilities pursuant to section 55;

The hearing was conducted by conference call. All named parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. The tenant confirmed service of the application for dispute resolution, including the notice of hearing and evidence on file.

The landlord withdrew its application for a monetary order.

Issues

Is the landlord entitled to an order of possession for unpaid rent?

Background and Evidence

The tenancy for this subsidized housing unit began on March 1, 2012. On June 1, 2015 the tenant transferred into unit #18 under the same terms of the original agreement. The current monthly rent is \$352.74 payable on the 1st day of each month. The tenant paid a security deposit of \$200.00 at the start of the tenancy.

The landlord testified that on December 2, 2016 the tenant was personally served with the 10 day Notice to End Tenancy for unpaid rent or utilities. The landlord testified that the tenant did not pay the outstanding amount of rent as indicated in the Notice within five days of service of the Notice. Partial rent payments have been made since for use and occupancy only.

The tenant acknowledged service of the 10 day Notice and that she did not pay the full amount of the arrears indicated, within five days, of receiving the Notice.

Analysis

I am satisfied that the tenant was personally served with the 10 day Notice to End Tenancy on December 2, 2016 pursuant to section 88 of the Act.

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, December 13, 2016.

The tenant acknowledged service of the 10 day Notice and that she did not pay the full amount of the arrears indicated, within five days, of receiving the Notice.

Therefore, I find that the landlord is entitled to an Order of Possession.

Conclusion

I grant an Order of Possession to the landlord effective **two days after service of this Order** on the tenant. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 09, 2017

Residential Tenancy Branch