



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## Decision

**Dispute Codes:** MT, CNR, FF, OPR

### **Introduction**

This hearing dealt with an application from the tenant for more time to make an application to cancel a notice to end tenancy, cancellation of a notice to end tenancy and recovery of the filing fee. The tenant did not participate in the hearing, however, the landlord participated, gave affirmed testimony and requested an order of possession.

### **Issue to be Decided**

- Whether the landlord is entitled to an order of possession

### **Background and Evidence**

The tenant submitted into evidence a copy of the landlord's 10 day notice to end tenancy for unpaid rent which is dated February 2, 2009. On the tenant's application for dispute resolution there is a manual notation to the effect that he received the 10 day notice on February 3, 2009. The date shown on the notice by which the tenant is required to vacate the unit is February 12, 2009. The landlord testified that the tenant has neither paid the outstanding rent nor vacated the unit. Further, the landlord stated that the tenant did not serve her with a copy of his application for dispute resolution and the notice of hearing; rather, she states that she received information about today's hearing third hand. The landlord requested an order of possession.

### **Analysis**

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent. The tenant did not pay the outstanding rent or apply for dispute resolution within 5 days of

receiving the notice. The tenant applied for more time to make an application to cancel a notice to end tenancy, however, he did not attend the hearing which was scheduled in response to his application. Accordingly, I dismiss the tenant's application in its entirety and I find the landlord is entitled to an order of possession.

The landlord is free to make her own application for dispute resolution in the event she wishes to seek a monetary order.

Information about the Residential Tenancy Branch, the relevant legislation, facts sheets and forms, may be accessed at the website: [www.rto.gov.bc.ca/](http://www.rto.gov.bc.ca/)

### **Conclusion**

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

DATE: March 23, 2009

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Dispute Resolution Officer