



# **Dispute Resolution Services**

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

## **Decision**

**Dispute Codes:** OPR

## **Introduction**

This hearing dealt with an application from the landlord for an order of possession. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, neither tenant appeared. At the outset of the hearing the landlord's agent confirmed that the landlord's application is limited to seeking an order of possession, and that no monetary order or recovery of the filing fee is being sought.

## **Issue to be Decided**

- Whether the landlord is entitled to an order of possession

## **Background and Evidence**

No copy of a written residential tenancy agreement was submitted into evidence for this month-to-month tenancy which began on or around March 1, 2001. Rent in the amount of \$473.25 is payable in advance on the first day of each month. There is no record of either a security deposit or pet damage deposit having been collected.

The tenants failed to pay rent over a period of several months from 2008 and extending into February 2009. Accordingly, the landlord issued a 10 day notice to end tenancy for unpaid rent. Subsequently, the tenants failed to pay rent for March or April 2009, and the understanding of the landlord's agent is that the tenants have abandoned the unit within the last several weeks.

The landlord submitted into evidence a copy of the 10 day notice dated February 1, 2009 which was posted on the unit door on that same date.

### **Analysis**

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 39(5) of the Act to have accepted that the tenancy ended on the effective date of the notice which was February 15, 2009. Accordingly, I find that the landlord is entitled to an order of possession.

### **Conclusion**

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants 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: April 3, 2009

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Dispute Resolution Officer