



Dispute Resolution Services

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

Decision

Dispute Code: OPR

Introduction

This hearing dealt with the landlord's application for an order of possession. The landlord 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, the tenant did not appear.

Issue to be decided

- Whether the landlord is entitled to an order of possession

Background and Evidence

There is no written residential tenancy agreement in place for this month-to-month tenancy which began on or about March 1, 2008. Rent in the amount of \$750.00 is payable on the first day of the month, and a security deposit of \$375.00 was collected at the start of tenancy.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated May 4, 2009, which he served in person on the tenant on that same date. A copy of the notice was submitted into evidence and concerns unpaid rent for April and May 2009 in the total amount of \$1,500.00. Subsequent to receiving the notice, the tenant paid no rent.

In his application the landlord did not apply for a monetary order for unpaid rent / loss of rental income, retention of the security deposit in partial satisfaction of the claim, or recovery of the filing fee.

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 dated May 4, 2009. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice which was May 14, 2009. Accordingly, I find that the landlord is entitled to an order of possession.

Conclusion

Pursuant to all of the above, 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: June 24, 2009

Dispute Resolution Officer