



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's application to cancel a Notice to End Tenancy for Unpaid Rent. The landlord appeared at the hearing and confirmed that the landlord was served with the tenant's application by registered mail. As the tenant did not appear at the hearing and the landlord did, the tenant's application was dismissed without leave to reapply.

In the evidence provided for this hearing, the landlord had provided evidence that the landlord had paid a filing fee with respect to a Landlord's Application for Dispute Resolution under a different file number. However, that file number was not scheduled to be heard at this time and I was not satisfied the tenant had been notified of a hearing for the landlord's application. Therefore, I did not hear the landlord's monetary claims against the tenant.

The landlord requested an Order of Possession be granted to the landlord and I proceeded to consider the landlord's entitlement to an Order of Possession in accordance with section 55 of the Act.

Issues(s) to be Decided

1. Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenant had provided with the Tenant's Application for Dispute Resolution a copy of the *10 Day notice to End Tenancy for Unpaid Rent* (the Notice) issued by the landlord on October 22, 2009. Both persons appearing on behalf of the landlord testified that the Notice was served by posting it to both entrance doors of the rental unit on October 22, 2009. The landlord stated that the tenant has not paid any amount towards rent since August 2009.

Analysis

Upon review of the Notice I find the Notice to be completed in accordance with the requirements of the Act and I find that it was served upon the tenant in a manner that complies with the Act.

Section 55 of the Act provides that an Order of Possession must be provided to a landlord if a tenant's request to dispute a Notice to End Tenancy is dismissed and the landlord makes an oral request for an Order of Possession during the scheduled hearing.

Since the tenant's application to dispute the Notice has been dismissed, in accordance with section 55 of the Act, I grant the landlord's request for an Order of Possession. The Order of Possession must be served upon the tenant and is effective two (2) days after service upon the tenant. The Order of Possession may be filed with The Supreme Court of British Columbia and enforced as an Order of that court.

Conclusion

The tenant's application to cancel a Notice to End Tenancy was dismissed and the landlord's request for an Order of Possession was granted. The Order of Possession is effective two (2) days after it is served upon the tenant.

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: December 09, 2009.

Dispute Resolution Officer