

Decision

Dispute Codes:

OPR

Introduction

This matter was convened to the Landlord's application for an Order of Possession for unpaid rent.

The Landlord gave affirmed testimony.

Preliminary Matter

The Landlord testified that personally served the Notice of Hearing documents upon the Tenant at the rental unit, on April 13, 2010, at 6:45 p.m.

Based on the affirmed testimony of the Landlord, I am satisfied that the Tenant was served with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(a) of the *Residential Tenancy Act* (the "Act"). Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference, and the Hearing continued in his absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession for unpaid rent?

Background and Evidence

The Landlord gave the following testimony:

- The Landlord issued a Notice to End Tenancy for unpaid rent on April 4, 2010.
- The Landlord personally served the Tenant with the Notice to End Tenancy at the rental unit, on April 4, 2010, at 3:00 p.m.
- The Tenant has not paid rent for the months of March, April and May, 2010.

Analysis

Based on the undisputed testimony of the Landlord, I am satisfied that the Tenant was personally served with the Notice to End Tenancy issued April 4, 2010. Section 46(4) of the Act provides that the Tenant could pay the outstanding rent, or file an application to cancel the Notice to End Tenancy, within 5 days of receiving the Notice. The Tenant did not apply to cancel the Notice to End Tenancy, or pay the outstanding rent, within 5 days of being served, and therefore are conclusively presumed to have accepted that the Tenancy ended on April 14, 2010. The Landlord is entitled to an Order of Possession and I make that order.

Conclusion

I hereby grant the Landlord an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: May 31, 2010