

Decision

Dispute Codes: OPR

Introduction

This hearing dealt with an application by the landlord for an order of possession. The landlord participated in the hearing and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenants did not appear.

Issue to be decided

- Whether the landlord is entitled to an order of possession

Background and Evidence

There is no written tenancy agreement in place for this tenancy which began on or about July 1, 2008. Rent in the amount of \$600.00 is payable for a house, and rent of \$200.00 is payable for a cabin, both of which are located on the property. There is no evidence of either a security deposit or pet damage deposit having been collected from the tenants prior to the time when the landlord took over ownership of the property in mid-2009.

Arising from rent which was unpaid when due, the landlord issued a 10 day notice to end tenancy for unpaid rent dated April 11, 2010. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants have made no payments toward rent and they have continued to be present at the unit on an on-and-off basis. Some of the tenants' belongings remain in the unit, even while the tenants do not appear to reside there on a full time basis.

Analysis

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated April 11, 2010. 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 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. 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 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: July 14, 2010

Dispute Resolution Officer