



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution to cancel a 10 day Notice to End Tenancy.

The Tenant and Agents for the Landlord appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issues(s) to be Decided

Is the Tenant entitled to an Order cancelling the 10 day Notice to End Tenancy?

Background and Evidence

Based on the affirmed testimony of the Agent for the Landlord, I find that the Tenant was served with a 10 day Notice to End Tenancy for non-payment of rent on August 4, 2010, by posting on the door. The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice. The effective date indicated on the Notice is August 17, 2010.

The Tenant did not apply to dispute the Notice. The Agent for the Landlord provided evidence and gave affirmed testimony that the Tenant had not paid all of the rent due and currently owed for September 2010.

The Tenant acknowledged receipt of the Notice and that she did not pay the outstanding rent. The Agent for the Landlord made an oral request for an Order of Possession, effective for October 1, 2010.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant has not paid the outstanding rent and did not apply to dispute the Notice and 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.

I find that the Landlord is entitled to an order of possession effective on **October 1, 2010, at 1:00 p.m.** after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The Tenant's Application for Dispute Resolution is dismissed as the Notice to End Tenancy issued is valid and may be enforced.

The Landlord is granted an Order of Possession.

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: September 27, 2010.

Dispute Resolution Officer