

Decision

Dispute Codes: MT, CNC, CNR, OPC, OPR

Introduction

This hearing dealt with an application by the tenant for more time to make an application to cancel a notice to end tenancy, cancellation of a notice to end tenancy for cause, and cancellation of a notice to end tenancy for unpaid rent.

The landlord was present at the conference call hearing at the scheduled start time of 11:30 a.m. However, as at 11:40 a.m. the tenant had still not appeared, and the hearing was then concluded at that time.

During the hearing, the landlord made an oral request for an order of possession in the event the tenant's application to set aside the notice(s) to end tenancy failed.

Issues to be decided

- Whether either party is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on June 1, 2010. Rent in the amount of \$875.00 is payable "one day in advance of the 1st day of every month." A security deposit of \$437.50 was collected on August 1, 2010.

The landlord issued a 1 month notice to end tenancy for cause dated September 26, 2010. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted into evidence. The notice shows a number of different reasons for its issuance by the landlord.

Thereafter, arising from rent which was unpaid when due for October 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 3, 2010. The notice was served by way of posting on the tenant's door on that same date.

Subsequently, the tenant has made no payment toward rent for either October or November 2010, and she continues to reside in the unit.

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 tenant was served with a 1 month notice to end tenancy for cause dated September 26, 2010, and a 10 day notice to end tenancy for unpaid rent dated October 3, 2010. While the tenant filed an application to dispute both notices on October 4, 2010, she did not attend the hearing scheduled in response to her application. Neither did the tenant make any further payment towards rent following issuance of the 10 day notice. The tenant is therefore conclusively presumed under section 47(5) and section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice(s). Accordingly, arising from the landlord's oral request during the hearing pursuant to section 55 of the Act, I find that the landlord is entitled to an order of possession.

The tenant's application is hereby dismissed.

Conclusion

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: November 4, 2010

Dispute Resolution Officer