

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for unpaid rent. The landlord called in to the hearing but the tenant/applicant did not and the hearing proceeded in their absence.

### Issues to be Decided

Is the tenant entitled to any of the above under the Act.

### Summary of Background and Evidence

This tenancy started in 2009 with monthly rent of \$425.00. On December 6, 2010 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord's agent testified that the tenant remains in the rental unit and has not made any efforts towards paying the rent. The tenant currently owes the landlord rent for the months of October, November December 2010 and January 2011 for a total of \$1700.00.

The landlord's agent stated that the tenant advised the landlord that he had found new accommodations but that the tenant had not yet vacated the rental unit.

The landlord made a verbal request in this hearing, per Section 55, 1 (a) of the Act, for an order of possession. The landlord may make application through this office for a monetary order for unpaid rent should they choose to do so.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice. The tenant did apply for dispute resolution to dispute the notice however did not attend the hearing and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

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 Tenants 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: January 7, 2011

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Dispute Resolution Officer