



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord's agent only. The tenant did not attend.

The landlord's agent verbally requested an order of possession should the tenant be unsuccessful in his application.

Issue(s) to be Decided

The issues to be decided are whether the tenant can disregard and cancel a 10 Day Notice to End the Tenancy for Unpaid Rent, pursuant to Section 46 of the *Residential Tenancy Act (Act)*.

In addition, if the tenant is unsuccessful in his application it must be determined if the landlord is entitled to an order of possession for unpaid rent, pursuant to Section 55 of the *Act*.

Background and Evidence

The landlord testified the tenancy began on April 15, 2008 as a 6 month fixed term tenancy that converted to a month to month at the end of the fixed term and that the current rent is \$673.00 due on the 1st of each month and that a security deposit of \$315.00 was paid. The landlord testified the tenancy agreement stipulates the landlord may charge a late fee of \$20.00 for late rental payments.

The landlord also testified the tenant had a credit of \$7.00 on his account but failed to pay rent for February 2011 when it was due on February 1, 2011. The landlord testified that he issued a 10 Day Notice to End Tenancy for Unpaid Rent with an effective vacancy date of February 12, 2011 for unpaid rent in the amount of \$666.00 by posting it on the tenant's rental unit door on February 2, 2011 at 11:45 p.m. and that this service was witnessed by a third party.

Analysis

As the tenant failed to attend the hearing and failed to provide any documentary evidence to dispute the landlord's notice, I dismiss the tenant's application. In accordance with Section 55(1) of the *Act*, I find the landlord is entitled to an order of possession.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court 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: February 18, 2011.

Residential Tenancy Branch