



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

### Dispute Codes:

CNR

### Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant has made application to set aside a Notice to End Tenancy for Unpaid Rent.

The hearing was scheduled for 1:30 p.m. on this date and by 1:41 p.m. the Landlord had appeared, but the Tenant had not appeared.

### Issue(s) to be Decided

The issue to be decided is whether the Notice to End Tenancy for Unpaid Rent, served pursuant to section 46 of the *Residential Tenancy Act (Act)*, should be set aside.

### Background and Evidence

The Agent for the Landlord stated that this tenancy began on October 15, 2010 and that the Tenant is required to pay monthly rent in the amount of \$450.00 and that he has not paid his rent for February of 2011.

The Agent for the Landlord stated that she posted a Ten Day Notice to End Tenancy for Unpaid Rent, which had a declared effective date of February 12, 2011, on the Tenant's door on February 02, 2011.

### Analysis

On the basis of the Agent for the Landlord's testimony, I find that the Tenant did not pay his rent for February and that a Ten Day Notice to End Tenancy was posted on his door on February 02, 2011.

I find that the Tenant failed to diligently pursue his application to set aside the Notice to End Tenancy that was posted on his door on February 02, 2011 and I therefore dismiss his application without leave to reapply.

Section 55(1) of the Act stipulates that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing, the landlord makes an oral request for an order of possession and the director dismisses the tenant's application or upholds the landlord's notice.

As I have dismissed the Tenant's application to set aside the Notice to End Tenancy and the Agent for the Landlord indicated at the hearing that she wants an Order of Possession for the rental unit, I find that I am obliged to grant an Order of Possession pursuant to section 55(1) of the *Act*.

### Conclusion

I grant the Landlord an Order of Possession that is effective two days after it is served upon the Tenant. This Order may be served on the Tenant, filed with 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: February 18, 2011.

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Residential Tenancy Branch