



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: OPR

Introduction

This hearing dealt with an amended application by the landlord exclusively for an order of possession. In the original application the landlord sought an order of possession in addition to a monetary order as compensation for unpaid rent, and recovery of the filing fee. The aspects of the original application which have therefore been withdrawn, are the application for compensation for unpaid rent, and recovery of the filing fee. Agents for the landlord participated in the hearing and gave affirmed testimony.

Despite being served with the amended application for dispute resolution and notice of hearing by way of posting on the unit door, the tenant did not appear.

Issue to be decided

- Whether the landlord is entitled to an order of possession under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on February 1, 2009. A security deposit was not collected, and monthly rent is \$500.00.

Arising from rent which remained unpaid on March 1, 2011 (\$96.00: February & \$500.00: March), the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 10, 2011. 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. Subsequently, the tenant has made no payments toward rent and continues to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated March 10, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant 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. Accordingly, I find that the landlord is entitled

to an order of possession. The landlord requested an effective date of April 15, 2011 for an order of possession.

Conclusion

I hereby issue an order of possession in favour of the landlord effective **1:00 p.m., Friday, April 15, 2011**. 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.

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*.

DATE: April 8, 2011

Residential Tenancy Branch