



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

**Dispute Codes:** DRI, CNR, OPT

### **Introduction / Background / Evidence**

This hearing dealt with the tenants' application to dispute an additional rent increase / to cancel a notice to end tenancy / and to obtain an order of possession. While neither of the tenants attended the hearing, the landlord's agent was present and gave affirmed testimony.

The landlord's agent testified that as rent remained overdue on May 1, 2011, he served the tenants with a 10 day notice to end tenancy dated May 11, 2011 on that same date. He testified that the tenants did not subsequently make any payment towards rent, and have now apparently vacated the unit without notice and without providing a forwarding address. Pursuant to section 55 of the Act which speaks to **Order of possession for the landlord**, the landlord's agent made an oral request for an order of possession during the hearing.

### **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/](http://www.rto.gov.bc.ca/)

Section 55 of the Act provides in part as follows:

55(1) 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,

- (a) 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.

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated May 11, 2011. The tenants did not pay the outstanding rent within 5 days of receiving the notice and, while they applied to dispute the notice, they did not

attend the hearing scheduled in response to their application. Accordingly, I find that the landlord is entitled to an order of possession.

### **Conclusion**

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. Should the tenants 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.

The tenants' application is hereby dismissed.

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: June 10, 2011

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Residential Tenancy Branch