



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR

This hearing dealt with an Application for Dispute Resolution by the Landlords for an order of possession based on unpaid rent.

One of the Landlords appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified he had served the Tenants with the Notice of Hearing and the Application for Dispute Resolution by registered mail, sent on July 5, 2011. Under the Act the Tenants are deemed served with these documents five days after mailing. Despite this the Tenants did not appear at the hearing. I find the Tenants have been duly served in accordance with the Act.

### Issue(s) to be Decided

Have the Tenants breached the Act or tenancy agreement, entitling the Landlords to an Order of Possession?

### Background and Evidence

Based on the testimony of the Landlord, I find that the Tenants were served with a 10 day Notice to End Tenancy for non-payment of rent on June 15, 2011, by personal service (the "Notice"). The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

According to the testimony of the Landlord the Tenants did not pay the rent for June 2011, following this Notice. There is no evidence before me that the Tenants applied for dispute resolution to dispute the Notice.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenants have not paid the outstanding rent and did not apply to dispute the Notice and are therefore conclusively presumed under section 46(5) of the Act to have

accepted that the tenancy ended on the stated effective date of the Notice, June 30, 2011.

Therefore, I find that the Landlords are entitled to an order of possession effective **two days** after service on the Tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

This decision is final and binding on the parties, except as otherwise provided for under the Act, and 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: July 26, 2011.

---

Residential Tenancy Branch