



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR

### Introduction

This hearing dealt with the landlord's application pursuant to section 55 of the *Residential Tenancy Act* (the *Act*) for an Order of Possession. Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions and to cross-examine one another. The tenant confirmed that he received the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) sent by the landlord by registered mail on December 5, 2011. The tenant also confirmed that he received a copy of the landlord's dispute resolution hearing package posted to his door on January 30, 2012. I am satisfied that these documents were served by the landlord in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

### Background and Evidence

This periodic tenancy commenced on July 1, 2011. Monthly rent is set at \$700.00, payable in advance on the first of each month, plus utilities. The landlord continues to hold the tenant's \$350.00 security deposit paid on or about July 1, 2011.

The landlord provided undisputed testimony that the tenant has not paid any portion of the \$1,400.00 in unpaid rent identified as owing on the 10 Day Notice. The landlord also noted that the tenant has failed to pay rent for an additional two months, January and February 2012.

### Analysis

The tenant failed to pay any portion of the \$1,400.00 in unpaid rent within five days of receiving the 10 Day Notice. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenant's failure to take either of these actions within five days led to the end of his tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by December 20, 2011. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant. If the

tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 17, 2012

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Residential Tenancy Branch