



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR

Introduction

This hearing concerned the landlord's application limited to obtaining an order of possession. The landlord participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing by way of posting on the tenant's door on April 19, 2012, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a partial copy of which is in evidence, the landlord testified that the original term of tenancy was from September 1, 2011 to the end of February 2012. Thereafter, tenancy continued on a month-to-month basis. Monthly rent of \$750.00 is payable in advance on the first day of each month, and a security deposit of \$375.00 was collected.

Arising from rent which was unpaid when due on April 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated "April 2012." A copy of the notice was submitted in evidence. The notice was served by way of posting on the tenant's door on April 2, 2012. Subsequently, the tenant made no further payment toward rent and, after returning the unit key(s) to the landlord, vacated the unit within several days in advance of this scheduled hearing. The landlord testified that the tenant provided no forwarding address and that some of the tenant's belongings still remain 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 on April 2, 2012. 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 has established entitlement 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 tenant. 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*.

Dated: May 07, 2012.

Residential Tenancy Branch