



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 an application by the landlord for an order of possession pursuant to a notice to end tenancy for unpaid rent.

The tenants were served with the application for dispute resolution and notice of hearing by having the documents posted on the rental unit door on April 14, 2012. The hearing was originally scheduled for May 1, 2012. Due to technical difficulties, the hearing was rescheduled for May 2, 2012 at 9:30 a.m. On May 1, 2012 the tenants were contacted by the Residential Tenancy Branch and given the information regarding the reconvene time and date. Despite having been served with notice of the hearing and having been informed of the new time and date, the tenants did not participate in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on October 1, 2011. Rent in the amount of \$1200 is payable in advance on the first day of each month. The tenants failed to pay rent in the month of February 2012 and on February 14, 2012 the tenants were personally served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent until February 23, 2012.

Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent within five days of receiving the notice and did not apply for dispute resolution to dispute the notice. The tenants are therefore conclusively presumed to have accepted that the

tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. 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.

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 2, 2012.

Residential Tenancy Branch