



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR

Introduction

This is the Landlord's application for an Order of Possession.

The parties gave affirmed testimony at the Hearing.

The Landlord testified that each of the Tenants were mailed the Notice of Hearing documents, by registered mail, to the rental unit. The Landlord provided copies of the Canada Post tracking system search, confirming that the Tenants received the documents on July 30, 2012. The Tenant acknowledged service.

The Landlord testified that he also sent copies of his documentary evidence to the Tenants by registered mail. The Tenant acknowledged receipt of the Landlord's documentary evidence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?

Background and Evidence

This tenancy started on June 16, 2012. The Landlord testified that the Tenants did not pay rent when it was due on July 1, 2012. He issued a Notice to End Tenancy on July 11, 2012 and served the female Tenant on July 11, 2012.

The Tenant acknowledged receipt of the Notice to End Tenancy on July 11, 2012. The Tenants did not file an Application disputing the Notice. The Tenant stated that they were not able to pay the rent within 5 days of receiving the Notice and that they did not have an Order from a Dispute Resolution Officer that they could deduct all or a portion of the rent.

Analysis

This is an undisputed Notice to End Tenancy for Unpaid Rent. Section 46(5) of the Act provides that if a tenant does not pay the rent or make an application to dispute the

Notice within 5 days of receiving it, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the Notice.

In this case, the Tenants received the Notice on July 11, 2012, and therefore I find that the effective end of tenancy date was July 21, 2012. The Tenants are overholding and I find that the Landlord is entitled to an Order of Possession **effective 2 days after service of the Order upon the Tenant.**

Conclusion

I hereby provide the Landlord an Order of Possession effective **2 days after service of the Order upon the Tenants.** This 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: August 22, 2012.

Residential Tenancy Branch