



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Coast Realty Group (Comox Valley) Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPC / OPR / OPB

Introduction

This hearing concerns the landlord's application for an order of possession. The landlord's agent attended and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of attachment adjacent to the unit door on July 19, 2013, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to an order of possession under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on August 1, 2012. Monthly rent of \$725.00 is due and payable in advance on the first day of each month, and a security deposit of \$362.50 was collected.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated April 25, 2013. The notice was served by way of attachment adjacent to the unit door on that same date. A copy of the first page of what is a 2 page notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is May 31, 2013. As a copy of the second page of the notice is not in evidence, it is unknown what reasons were identified on the notice in support of its issuance. The tenant did not file an application to dispute the notice and he continues to reside in the unit.

Thereafter, arising from rent which remained unpaid when due on May 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 6, 2013. The notice was served by way of attachment adjacent to the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when

the tenant must vacate the unit is May 16, 2013. Subsequently, a payment toward rent in the limited amount of \$362.50 was made. However, no further payment toward rent for May has been made, and no rent whatsoever has been paid for June, July or August 2013. The tenant did not file an application to dispute the notice and, as noted above, the tenant still resides in the unit.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 6, 2013. The full amount of outstanding rent was not paid within 5 days after the tenant's receipt of the notice, and the tenant has not filed an application 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.

Section 88 of the Act speaks to **How to give or serve documents generally**, and section 89 of Act addresses **Special rules for certain documents**.

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 13, 2013

Residential Tenancy Branch

