



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 for Dispute Resolution seeking an order of possession.

The hearing was conducted via teleconference and was attended by the landlord's agent and the female tenant.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent, pursuant to Sections 46, and 55 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on March 31, 2013 for a 1 year fixed term tenancy beginning on October 1, 2012 for the monthly rent of \$850.00 due on the 1st of each month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on August 2, 2013 with an effective vacancy date of August 12, 2013 due to \$850.00 in unpaid rent.

The landlord submits the tenants failed to pay the full rent owed for the month of August 2013 and that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent personally to the female tenant on August 2, 2013.

The Notice states the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days.

The tenant testified that they have had some unfortunate circumstances that have impacted their ability to pay rent, including loss of employment; loss of a family member; and an investment that has not yielded any returns to date. As such the tenant

confirmed the tenants have not been able to pay any rent since the 10 Day Notice to End Tenancy for Unpaid Rent was issued.

Analysis

I have reviewed all evidence and testimony and accept that the tenants have been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on August 2, 2013 and the effective date of the notice was August 12, 2013. I accept the evidence before me that the tenants failed to pay the rent owed in full within the 5 days granted under Section 46(4) of the *Act*.

Based on the foregoing, I find the tenants are conclusively presumed under Section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: September 24, 2013

Residential Tenancy Branch

