



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR
OPR

Introduction

This hearing was scheduled in response to the tenant's application for cancellation of a notice to end tenancy for unpaid rent or utilities. The landlord was present at the scheduled start time of the hearing and gave affirmed testimony. The tenant did not appear. During the hearing the landlord confirmed that an order of possession is sought in the event the tenant's application does not succeed.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement the fixed term of tenancy is from October 01, 2013 to September 30, 2014. Monthly rent and utilities are due and payable in advance on the first day of each month. Rent is \$1,025.00 and the tenancy agreement provides that the "tenant pays utilities – approx. \$175 per month extra" [total: \$1,200.00]. A security deposit was not collected.

Arising from rent and utilities which remained unpaid when due on January 01, 2014, the landlord issued a 10 day notice to end tenancy. A copy of the notice was submitted in evidence. The amount of rent shown as outstanding is \$1,025.00, while the amount of utilities shown as overdue is \$175.00. Subsequently, the tenant paid \$1,025.00 in rent, but made no payment toward utilities.

A further 10 day notice to end tenancy for unpaid rent or utilities was issued by date of April 05, 2014. The notice was served in-person on April 06, 2014. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is April 16, 2014. The amount of rent shown as outstanding on the notice is \$5,025.00. Thereafter, the tenant made no further payment toward either rent or utilities, and she filed an application to dispute the notice on April 10, 2014.

Analysis

Section 55 of the Act addresses **Order of possession for the landlord**, in part:

55(1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

- (a) the landlord makes an oral request for an order of possession, and
- (b) the director dismisses the tenant's application or upholds the landlord's notice.

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 or utilities dated April 05, 2014. The tenant filed an application to dispute the notice within 5 days of being served on April 06, 2014, but made no further payment toward either rent or utilities. Following from the foregoing, and in view of the above statutory provisions, the tenant's application for cancellation of the notice is hereby set aside, and 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 **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: June 03, 2014

Residential Tenancy Branch

