



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP, RR, MNDC, FF, CNR

### Introduction

This hearing dealt with an application by the tenant seeking to have a 10 Notice to End Tenancy for Unpaid Rent or Utilities set aside. The landlord participated in the conference call hearing but the tenant(s) did not. The tenant is the applicant in this matter and chose not to call in or to submit any evidence for consideration; on that basis the hearing proceeded in their absence. The landlord gave affirmed evidence.

### Issues to be Decided

Is the tenant entitled to have the notice set aside?

### Background and Evidence

The landlord gave the following undisputed testimony: The tenancy began on or about December 1, 2013. Rent in the amount of \$2000.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of November and on November 26, 2014 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of December. The landlord stated that he is seeking an order of possession to take effect on December 31, 2014.

### Analysis

I accept the landlord's undisputed testimony *and* I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although the tenant did apply for dispute

resolution to dispute the notice they have not provided any evidence to justify that notice being set aside. Based on the above facts and on the oral request of the landlord, I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. 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.

The tenant has not been successful in their application.

### Conclusion

The tenant's application is dismissed. The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated November 26, 2014 is in full effect and force. The tenancy is terminated. The landlord is granted an order of possession.

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: December 15, 2014

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Residential Tenancy Branch

