



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR

Introduction

This hearing concerns the landlord's application for an order of possession. The landlord attended and gave affirmed testimony.

The landlord's application for dispute resolution was filed on November 25, 2014. The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") were served on each tenant by way of registered mail. Evidence provided by the landlord includes the Canada Post tracking number for both items of registered mail. The Canada Post website informs that each item was "accepted at the Post Office" on November 26, 2014. The Canada Post website also informs that each item was "successfully delivered" on December 01, 2014. Despite all of the foregoing, neither tenant appeared.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement the tenancy began on May 01, 2014. Monthly rent of \$950.00 is due and payable in advance on the first day of each month. The tenancy agreement provides that the tenants are responsible for payment of "20% of utilities (hydro & electricity)." A security deposit of \$475.00 and a pet damage deposit of \$475.00 were collected.

Arising from rent and utilities which were unpaid when due on November 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated November 10, 2014. The notice was personally served on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is November 24, 2014. Subsequently, the tenants have made no payment toward either rent or utilities and they continue to reside in the unit.

Analysis

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

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were personally served with a 10 day notice to end tenancy for unpaid rent or utilities dated November 10, 2014. The tenants did not pay the outstanding rent or utilities within 5 days of receiving the notice, and the tenants did not apply to dispute the notice. The tenants are 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 tenants. This order must be served on the tenants. Should the tenants 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: December 22, 2014

Residential Tenancy Branch

