



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

**Dispute Codes:** OPR, CNR, PSF, RR

## **Introduction**

This hearing dealt with applications by both the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession after having served the tenant with a notice to end tenancy for nonpayment of rent.

The tenant applied to cancel the notice to end tenancy, for an order directing the landlord to comply with the *Act* and for a rent reduction.

The landlord served the notice of hearing and evidence package by registered mail on January 09, 2015 and filed a copy of the tracking slip. Despite having been served the notice of hearing and having applied for dispute resolution, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Since the tenant did not attend this hearing, her application is dismissed without leave to reapply.

## **Issues to be decided**

Is the landlord entitled to an order of possession?

## **Background and Evidence**

The tenancy started in November 2014. The monthly rent is \$800.00 due on the first of each month and does not include utilities.

The landlord testified that the tenant failed to pay rent on time right from the start of tenancy and also despite repeated requests did not pay a security deposit. On January 01, 2015, the landlord served the tenant with a ten day notice to end tenancy for nonpayment of rent. The tenant disputed the notice but failed to attend the hearing. The tenant continues to occupy the rental unit without paying rent. The landlord is applying for an order of possession effective two days after service on the tenant

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on January 02, 2015 and did not pay rent within five days of receiving the notice to end tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

### **Conclusion**

I grant the landlord an order of possession effective **two days after service** on the tenant.

The tenant's application is dismissed.

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: January 28, 2015

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Residential Tenancy Branch

