



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR

Introduction

In response to the landlord's direct request application for an order of possession for unpaid rent, an *ex parte* proceeding took place on May 11, 2015. Pursuant to the interim decision issued by that same date, the Adjudicator ordered that a participatory hearing be conducted by an Arbitrator in order to determine the details of the landlord's application. Notices of reconvened hearing were mailed to the landlord by the Branch, and the landlord was ordered to serve the notice and all other required documents on the tenant within three (3) days of receiving the interim decision. The participatory hearing was scheduled to commence at 10:30 a.m. on June 24, 2015. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to an order of possession under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on July 01, 2014. Monthly rent is \$900.00, and the parties agreed that it is due and payable in advance on the first day of each month. The landlord testified that a security deposit of \$450.00 and a pet damage deposit of \$250.00 were collected. The tenant agrees that a security deposit of \$450.00 was collected, but she was unable to recall whether a pet damage deposit of \$250.00 was also collected.

Arising from rent which was unpaid when due on March 01, 2015, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 11, 2015. Then 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 tenant must vacate the unit is March 21, 2015. The tenant testified that she subsequently made no further payment toward rent before vacating the unit on June 21, 2015. During the hearing the tenant testified that

she does not dispute the landlord's application for an order of possession, and she provided her forwarding address orally during the hearing.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated March 11, 2015. The tenant did not pay any portion of the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice, and she testified that she vacated the unit on June 21, 2015. Accordingly, I find that the landlord has established entitlement to an **order of possession**, and the landlord requested the issuance of same despite the tenant's testimony that she has now vacated the unit.

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **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 24, 2015

Residential Tenancy Branch

