



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vantage West Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR

Introduction

This hearing concerns the landlord's application for an order of possession for unpaid rent. The landlord's agent (the "landlord") attended and gave affirmed testimony. The tenant did not appear.

The landlord testified that the application for dispute resolution and the notice of hearing (the "hearing package") was personally served on the tenant on July 23, 2015. Based on the affirmed / undisputed testimony of the landlord, I find that the tenant has been duly served in compliance with section 89 of the Act which addresses **Special rules for certain documents**.

Issue(s) to be Decided

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

Background and Evidence

Further to the application itself, there is no documentary evidence before me. The landlord testified that the owner of the property is also the father of the tenant. The landlord testified that there is no written tenancy agreement for the tenancy which began approximately 4 years ago. The landlord is unable to confirm the exact amount of monthly rent, and there is no evidence that a security deposit or pet damage deposit was collected.

Arising from rent which remained overdue in the total amount of \$19,200.00, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 15, 2015. The notice was personally served on that same date. Subsequently, the tenant has made no payment toward rent and she continues to reside in the unit.

Analysis

Based on the affirmed / undisputed testimony of the landlord, I find that the tenant was personally served with a 10 day notice to end tenancy for unpaid rent dated July 15, 2015. The tenant did not pay any portion of the outstanding rent within 5 days of receiving the notice on July 15, 2015, 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. 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 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: September 28, 2015

Residential Tenancy Branch

