



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNR, LRE

Introduction

This hearing dealt with an application by the tenant seeking to have a 10 Day Notice for Unpaid Rent or Utilities set aside and an order to have the landlord comply with the Act, regulation or tenancy agreement. The landlord participated in the conference call hearing but the tenant(s) did not. The tenant is the applicant in this matter and initiated this process; I am satisfied that the tenant was aware of today's hearing date and start time. The hearing proceeded and completed in the absence of the tenant.

Issues to be Decided

Is the tenant entitled to have the notice to end tenancy set aside?

Is the tenant entitled to an order to have the landlord comply with the Act, regulation or tenancy agreement.

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about January 1, 2015. Rent in the amount of \$550.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$275.00. The tenant failed to pay rent in the month(s) of January and January 15, 2015 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of February and March.

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 they did apply for dispute resolution, it was 7 days after receiving the notice. In addition, the tenant did not provide any documentation to dispute the notice. Based on the above facts 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.

Conclusion

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: March 09, 2016

Residential Tenancy Branch

