



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, O

Introduction

This hearing was scheduled to hear a tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent served upon him on May 12, 2016. The tenant did not appear at the hearing. The landlord was represented and was prepared to proceed with this matter.

I noted that in filing this application on May 25, 2016 the tenant indicated that he received the 10 Day Notice on May 12, 2016. The building manager confirmed that he personally served the tenant with the 10 Day Notice on May 12, 2016. The Act limits the time a tenant may dispute a 10 Day Notice to five days after receiving the 10 Day Notice unless an extension of time is granted upon request. In this case, the tenant did not request an extension or otherwise indicate an exceptional circumstance prevented him from filing the application within five days of receiving the 10 Day Notice.

Considering the tenant filed this application outside of the time limit and did not appear at the hearing, I dismissed his application.

The landlord confirmed that the tenant continues to occupy the rental unit and requested an Order of Possession effective as soon as possible as the landlord the tenant has not paid the outstanding rent and the landlord has suffered loss of rent for June 2016 while awaiting this hearing. Accordingly, I proceed to consider whether the landlord is entitled to an Order of Possession.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

As evidence for this proceeding, both the landlord and the tenant had provided me with a copy of both pages of a 10 Day Notice to End Tenancy for Unpaid Rent issued on May 12, 2016. The two copies are identical.

The 10 Day Notice provides the reason for ending the tenancy, which is stated as being unpaid rent of \$1,160.00 as of May 1, 2016; the name of the tenant; the name of the landlord; the address of the rental unit; an effective date; and, the signature of the landlord's building manager.

The tenant filed to dispute the above described Notice; however, his application has been dismissed for the reasons already provided in this decision.

Analysis

Section 55 of the Act provides the circumstances when a landlord is entitled to an Order of Possession. Below, I have reproduced section 55(1) which reads:

- 55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if
- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
 - (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

[Reproduced as written]

Upon review of the 10 Day Notice issued on May 12, 2016 I am satisfied it meets the form and content requirements of section 52 of the Act.

Having been satisfied the 10 Day Notice meets the form and content requirements of the Act and I have dismissed the tenant's application, I find the landlord entitled to an Order of Possession under section 55(1) of the Act.

Provided to the landlord is an Order of Possession effective two (2) days after service upon the tenant.

Conclusion

The tenant's application has been dismissed. The landlord is provided an Order of Possession effective two (2) days after service upon the tenant.

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 23, 2016

Residential Tenancy Branch