



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR

### Introduction

This hearing was scheduled for 11:00 a.m. on this date, via teleconference call, to deal with the tenant's application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent. The landlord appeared at the hearing but the tenant did not appear despite leaving the teleconference call open until 11:15 a.m. Since the tenant did not appear and the landlord appeared and was prepared to respond to the tenant's application, I dismissed the application without leave.

The landlord stated that the other co-tenant has already vacated the rental unit and that the tenant has communicated to her via email that he intends to vacate the rental unit by today. The landlord is currently out of town and has not yet confirmed whether the tenant has vacated. The landlord requested an Order of Possession that she may serve in the event the tenant does not vacate.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

On June 22, 2016 the tenant was personally served with a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice). The 10 Day Notice indicates rent of \$1,000.00 was outstanding as of June 1, 2016 and has a stated effective date of July 7, 2016. The 10 Day Notice before me includes the names of the co-tenants, the name and address of the landlord, the address of the rental unit, is signed and dated by the landlord, and the second page of the 10 Day Notice.

The tenant presented the landlord with a cheque post-dated for August 1, 2016 which the landlord did not accept as she required full payment by June 27, 2016. The landlord has returned the post-dated cheque to the tenant. The tenant filed to dispute the 10

Day Notice on June 27, 2016; however, the tenant's application has been dismissed as explained above.

### Analysis

Section 55(1) of the Act provides:

#### **Order of possession for the landlord**

**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 I am satisfied that it meets the form and content requirements of the Act. I have also dismissed the tenant's application to cancel the 10 Day Notice. Accordingly, I find that the criteria set out in section 55(1) of the Act have been met and I grant the landlord an Order of Possession as required

The landlord is provided an Order of Possession to serve and enforce upon the tenant in the event the tenant has not already vacated the rental unit. The Order of Possession shall be effective two (2) days after service.

### Conclusion

The tenant's Application has been dismissed.

The landlord has been provided an Order of Possession to serve and enforce if the tenant has not already vacated. The Order of Possession is effective two days after service.

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: August 04, 2016

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Residential Tenancy Branch