



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;

The tenants did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. This matter was originally before an adjudicator through the Direct Request Process. The adjudicator made a finding that the matter was to be dealt by way of participatory hearing. The matter proceeded and completed on this date.

The landlord entered written evidence from their agent and sworn testimony that their agent posted the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenants' door on August 9, 2016. I am satisfied that the landlord's agent served this Notice to the tenants in accordance with section 88 of the *Act*. In accordance with section 90 of the *Act*, the 10 Day Notice was deemed served to the tenants on August 12, 2016, the third day after its posting.

The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package were sent to the tenant by personally serving him on September 23, 2016. In accordance with sections 89 and 90 of the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package on September 23, 2016,

Issues(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?
Is the landlord entitled to a monetary award for unpaid rent?

Background and Evidence

The tenancy began on or about September 1, 2014. Rent in the amount of \$770.00 is payable in advance on the first day of each month. The landlords' agent testified that the tenant has paid their rent late and has been given a receipt for "use and occupancy only". The agent testified that the tenant has been advised that the tenancy has not been re-instated and that the landlord is still pursuing an order of possession. The agent testified that they are content with an order of possession effective at 1:00 p.m. on November 30, 2016.

Analysis

The tenant has failed to pay their rent in full within five days of being deemed to have received the 10 Day Notice. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of being deemed to have received the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenants' failure to take either of these actions within five days led to the end of their tenancy.

I find that the landlord is entitled to an order of possession. The landlord is granted an order of possession pursuant to Section 55 of the *Act*, which must be served on the tenant(s). The landlord may enforce this Order in the Supreme Court of British Columbia.

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: November 15, 2016

Residential Tenancy Branch