



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This is an application brought by the Landlord requesting an Order of Possession, and requesting a monetary order for outstanding rent.

The applicant testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on January 6, 2017; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing, and therefore, it is my finding that, the respondent(s) have been properly served with notice of the hearing, and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The applicant stated that she is no longer pursuing a monetary order and at this time is only requesting an Order of Possession.

### Background and Evidence

The landlord testified that rent for this unit is \$1600.00 per month.

The landlord further testified that the tenants failed to pay the December 2016 rent and therefore on December 14, 2016 a 10 day Notice to End Tenancy was posted on the tenants door.

The landlord further testified that the tenants did not file any dispute of that notice and have never paid the full outstanding December 2016 rent, although they did pay \$1000.00, which was accepted for use and occupancy only.

The landlord is therefore requesting an Order of Possession for as soon as possible, especially as it seems that the tenants have now abandoned the rental unit.

### Analysis

Under section 46 of the Residential Tenancy Act the landlord has the right to end the tenancy if the tenants fail to pay the rent.

It is my finding that the landlord has shown that the tenants failed to pay the December 2016 rent, and that the tenants were served with a valid 10 day Notice to End Tenancy for nonpayment of rent.

It is also my finding that the tenants have failed to comply with the ten-day Notice to End Tenancy, and have failed to pay the full outstanding rent for the month of December 2016, and therefore the landlord does have the right to an Order of Possession.

### Conclusion

Pursuant to section 46 and 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable two days after service on the tenants.

The applicant has withdrawn the monetary portion of this claim.

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: January 24, 2017

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Residential Tenancy Branch