



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") seeking an Order of Possession for unpaid rent pursuant to section 55.

The tenants did not attend this hearing, which lasted approximately 10 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice"), dated December 15, 2016 was served on the tenants by posting on the rental unit door on that day. In accordance with sections 88 and 90 of the *Act*, I find that the tenants were deemed served with the landlord's 10 Day Notice on December 18, 2016, three days after posting.

The landlord testified that the landlord's application for dispute resolution dated February 24, 2017 was served on the tenants by posting on the rental unit door on February 26, 2017. I find that the tenants were deemed served with the landlord's application for dispute resolution in accordance with sections 89 and 90 of the *Act* on March 1, 2017, three days after posting.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. This month-to-month tenancy began in December, 2016. The rent is \$1,100.00 payable on the 1st of the month. A security deposit of \$550.00 was due at the start of the tenancy but the tenants failed to pay it. The tenants continue to reside in the rental unit at the time of the hearing.

The landlord testified that at the time the 10 Day Notice was issued the tenancy was in arrears by \$1,650.00, the amount initially sought in the 10 Day Notice. The landlord testified that the tenants have made no subsequent payments, and have not paid any rent during this tenancy.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenants did not attend. I find that the tenants were obligated to pay the monthly rent in the amount of \$1,100.00. I accept the evidence before me that the tenants failed to pay the full rent due within the 5 days of service granted under section 46(4) of the *Act* nor did the tenants dispute the 10 Day Notice within that 5 day period. Accordingly, I find that the tenants are conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the corrected effective date of the 10 Day Notice, December 28, 2016. Therefore, I find that the landlord is entitled to an Order of Possession, pursuant to section 55 of the *Act*.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenants**. Should the tenants or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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 24, 2017

Residential Tenancy Branch