



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

The tenants did not attend this hearing, the landlord did. 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. The landlord submitted documentation for this hearing. The tenant did not. As the tenant is the applicant in this matter and initiated this process, I am satisfied that they were aware of today's hearing, accordingly, the hearing proceeded and completed on that basis.

Issues(s) to be Decided

Should the landlord's 10 Day Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Background and Evidence

The tenancy began on or about January 16, 2017. Rent in the amount of \$1600.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of March and on March 16, 2017 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of April. The landlord advised that as of today's hearing the amount of unpaid rent is 3200.00. The landlord testified that the tenant cut off communication and was unwilling to try to resolve the matter. The landlord requests an order of possession.

Analysis

The tenants failed to pay their rent in full within five days of being deemed to have received the 10 Day Notices. Although the tenants have filed an application to dispute the notice, they have not provided sufficient evidence or justification to have it set aside. Based on the undisputed testimony of the landlord and their supporting documentation, I find that the tenants have not paid the rent as required as per Section 26 of the Act and that the tenancy must end. The notice to end tenancy is of full effect and force.

The landlord is granted an Order of Possession pursuant to Section 55 of the Act, which must be served on the tenant(s). If the tenants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Conclusion

The landlord is granted an order of possession.

The tenants' application is dismissed.

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: April 27, 2017

Residential Tenancy Branch