



# 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, although I waited until 9:40 a.m. in order to enable them to connect with this teleconference hearing scheduled for 9:30 a.m. 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 tenant was the applicant in this matter and served the landlord the Notice of Hearing document with today's date and time for the hearing, accordingly I am satisfied that the tenant was aware of this hearing and the hearing proceeded and completed in the tenant's absence.

### 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 June 1, 2016. Rent in the amount of \$700.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month(s) of May and on May 10, 2017 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) June. The landlord testified that the tenant owes \$1400.00 in unpaid rent.

### Analysis

The tenant failed to pay their rent in full within five days of being deemed to have received the 10 Day Notice. Although the tenant has filed an application to dispute the notice they have not provided sufficient justification to have the notice set aside.

I accept the landlords' undisputed testimony and find that the landlord is entitled to a 2 day 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). 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 tenancy is terminated. 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: June 28, 2017

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Residential Tenancy Branch