



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Skylark Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OPR

Introduction

This matter was first considered by way of an ex parte Direct Request Proceeding on December 15, 2017. The adjudicator issued an Interim Decision, which should be read in conjunction with this Decision. The adjudicator adjourned the matter to be heard by participatory Hearing on January 10, 2018, in order that questions could be asked and answered with respect to the identity of the Landlord.

Both parties attended the participatory Hearing and gave affirmed testimony.

The Landlord's agent testified that he mailed the Notice of Reconvened Hearing to each of the Tenants, by registered mail, on December 21, 2017. He provided a copy of the registered mail receipts in evidence. I am satisfied that both parties were duly served with the Notice of Reconvened Hearing.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord purchased the rental property from the landlord named on the tenancy agreement. The Landlord provided a copy of a seven page document showing proof of ownership of the rental property. I am satisfied that the Landlord is the Tenants' landlord as defined by the Act.

The landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent on December 2, 2017.

The Landlord provided a Proof of Service document which was signed by the Tenant DF, confirming service on December 2, 2017. Based on the documentary evidence provided by the Landlord, I accept that the Tenants were served with the 10 Day Notice to End Tenancy for Unpaid Rent on December 2, 2017.

The Tenants did not pay the outstanding rent or make an Application for Dispute Resolution seeking to cancel the Notice to End Tenancy within 5 days of receipt of the Notice.

Analysis

I find that the Notice to End Tenancy is a valid notice to end the tenancy. Pursuant to the provisions of Section 46 of the Act, the Tenants were conclusively presumed to have accepted that the tenancy ended on December 14, 2017, the effective date on the Notice.

I find that the Tenants are overholding and that the Landlord is entitled to an Order of Possession.

Conclusion

The Landlord is hereby provided with an Order of Possession **effective two days after service of the Order upon the Tenants**. This Order may be enforced in 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: January 10, 2018

Residential Tenancy Branch