



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a ten day notice to end tenancy for unpaid rent. The landlord also applied for the recovery of the filing fee.

The landlord testified that on October 30, 2017, she served the tenant with the notice of hearing by posting the notice on the door of the rental unit. Section 90 of the Act states that a document is deemed to have been served three days after posting.

Based on the landlord's testimony, I find that the tenant has been served with the notice of hearing documents. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started in May 2017. The monthly rent is \$700.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$350.00. The landlord stated that the tenant failed to pay rent to pay rent that was due on August 01 and September 01, 2017.

On October 01, 2017, the landlord served the tenant with a notice to end tenancy for unpaid rent by posting the notice on the front door. The tenant did not dispute the notice and continued to occupy the rental unit without paying rent.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant is deemed to have received the notice to end tenancy on October 04, 2017 and did not pay all outstanding rent nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

The landlord may retain \$100.00 of the security deposit towards the recovery of the filing fee.

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 11, 2018

Residential Tenancy Branch