



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR

Introduction

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

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlord was represented by its agent (the "landlord") who 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 and Utilities (the "10 Day Notice"), dated October 15, 2018 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 tenant was deemed served with the landlord's 10 Day Notice on October 18, 2018, three days after posting.

The landlord testified that the landlord's application for dispute resolution dated November 22, 2018 was served on the tenant by registered mail sent on that date. The landlord provided a Canada Post tracking number as evidence of service. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was served with the landlord's application on November 27, 2018, five days after mailing.

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 March 2012. The monthly rent is \$375.00 payable on the first of each month.

The landlord testified that as at October 15, 2018 the date of the 10 Day Notice the tenancy was in arrears by \$1,870.00. The landlord submitted into evidence the ledger showing payments received and rent owing. The landlord testified that they did not receive full payment of the arrear after the 10 Day Notice was issued.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$375.00. I accept the evidence before me that there was an arrear of \$1,870.00 as at October 15, 2018 the date of the 10 Day Notice. I accept the evidence that the tenant failed to pay the full rent due within the 5 days of service granted under section 46(4) of the *Act* nor did the tenant dispute the 10 Day Notice within that 5 day period.

Accordingly, I find that the tenant is conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the 10 Day Notice, October 28, 2018. 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 tenant 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: January 8, 2019

Residential Tenancy Branch