



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT  
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* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55.

The tenant did not attend this hearing. 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 gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package and evidence was sent to the tenant by registered mail on February 2, 2019. Section 90 of the *Act* deems that a party is served five days later; accordingly I find that the tenant was deemed served on February 7, 2019. In accordance with section 89 and 90 of the *Act*, I am satisfied that the tenant was served with the landlord's dispute resolution hearing package. The hearing proceeded and completed in the absence of the tenant.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession?

### Background and Evidence

The tenancy began on or about May 1, 2018. Rent in the amount of \$375.00 is payable in advance on the first day of each month. The landlord issued a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities on December 19, 2018 for unpaid rent. The landlord advised that the tenant began falling behind in rental payments almost at the outset of the tenancy. The landlord advised that numerous attempts were made to help

the tenant “catch up” but to no avail. The landlord testified that as of today’s hearing the amount of unpaid rent is \$2900.00. The landlord requests an order of possession.

### Analysis

I accept the undisputed testimony of the landlord. The tenant failed to pay their rent in full within five days of being served the 10 Day Notice. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of being deemed to have received the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenants’ failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice. I find that the notice to end tenancy complies with section 52 of the *Act* in its form and content.

I 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 tenant does 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.

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: March 15, 2019

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Residential Tenancy Branch