



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MAMELE'AWT QWEESOME HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR-DR

### Introduction

This hearing was convened in response to the landlords' application pursuant to the *Residential Tenancy Act* (the "Act") for Orders as follows:

The landlords requested:

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

The landlord originally filed their application through the Direct Request process however an adjudicator deemed that a participatory was necessary. The tenant 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 landlord entered written evidence and sworn testimony that they posted the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenants' door on May 8, 2019. The landlord testified that the tenant called later that day and acknowledged receipt and wanted information as to what process was available to them and whether the landlord would be pursuing an order of possession. I am satisfied that the tenant received the notice on May 8, 2019.

The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was sent to the tenant by registered mail on May 30, 2019. The landlord entered into written evidence copies of the returned envelope, including the Canada Post Tracking Numbers, showing that his hearing packages sent to the tenant by Registered Mail were unclaimed and returned to her on

June 17, 2019. I am satisfied that the landlord served the tenant in accordance with section 89 of the Act.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession based on the 10 Day Notice?

### Background and Evidence

The landlord gave undisputed testimony regarding the following facts. This tenancy began on April 1, 2019, with monthly rent set at \$800.00, payable on the first of each month. The tenant continues to reside in the rental unit. The landlord issued the 10 Day Notice on May 8, 2019 to the tenant. A copy of the 10 Day Notice was included in the landlord's evidence as well as a Proof of Service. The landlords testified that the tenant paid the May rent outside of the five day legislated period on May 15, 2019 to which she was given a receipt for use and occupancy only. The landlord testified that the tenant was also late with June's rent and was once again given a receipt for use and occupancy only. The landlord testified that the tenant has not paid the July rent and has cut off communication.

### Analysis

The tenant failed to pay their rent in full within five days of being deemed to have received 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.

In this case, this required the tenants to vacate the premises by May 18, 2019. As that has not occurred, 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 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

I grant an Order of Possession to the landlords effective **two (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: July 11, 2019

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Residential Tenancy Branch