



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, OPC

### Introduction

This hearing was scheduled in response to the landlord's application for an order of possession for unpaid rent and / or an order of possession for cause. The landlord and her agent attended the hearing and gave affirmed testimony. The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") was served by way of posting on the tenants' door on January 24, 2013. Despite this, the tenants did not attend the hearing.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began on October 1, 2012. Monthly rent of \$500.00 is due and payable in advance on the first day of each month, and a security deposit of \$250.00 was collected.

The landlord testified that rent paid for December 2012 was limited to \$250.00, and that no rent was paid for January 2013. As a result, the landlord issued 2 separate 10 day notices to end tenancy for unpaid rent dated January 8, 2013, both of which were served in-person on that same date. One notice indicates that \$250.00 is overdue in rent, while the other notice documents that \$500.00 is also overdue in rent. Thereafter, the tenants made no further payment toward rent and they continue to reside in the unit.

The landlord testified that a 1 month notice to end tenancy for cause has not been issued.

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with 2 separate 10 day notices to end tenancy for unpaid rent dated January 8, 2013. The tenants did not pay the outstanding rent within 5 days of receiving the notices, and did not apply to dispute the notices. The tenants are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice(s). Accordingly, I find that the landlord has established entitlement to an **order of possession**.

Following from all the above, and as a 1 month notice to end tenancy for cause has not been issued, the aspect of the application concerning an order of possession for cause is hereby dismissed.

Finally, as the landlord's application is limited to seeking an order of possession, no monetary order is presently being issued.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: February 19, 2013

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Residential Tenancy Branch

