



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an application by the tenant seeking to have a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities set aside. The tenants are the applicants in this matter but did not participate in the conference call. The landlord is the respondent in this matter and did participate in the conference call. The landlord indicated that he was ready to proceed. The hearing was conducted in the absence of the applicants. The landlord gave affirmed evidence.

Issues to be Decided

Are the tenants entitled to have the notice set aside?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about December 1, 2013. Rent in the amount of \$1300.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$400.00. The tenant failed to pay rent in the month(s) of January and on January 21, 2014 the landlord personally served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of February and March. The landlord advised that as of today's hearing the amount of unpaid rent is \$1700.00. The landlord made an oral request for an order of possession.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although the tenant did apply for dispute resolution to dispute the notice, the tenant applied 7 days after receiving the notice which is outside the legislated timeline. Based on the above facts and the oral request of the landlord, I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant 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.

Conclusion

The landlord is granted an order of possession.

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 17, 2014

Residential Tenancy Branch

