



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: CNL CNR FF

Introduction

This hearing dealt with an application by the tenants to cancel a notice to end tenancy for unpaid rent and cancel a notice to end tenancy for landlord's use. The tenants also applied for recovery of the filing fee for the cost of their application.

Issue(s) to be Decided

Should the notice to end tenancy for unpaid rent be cancelled?

Are the landlords entitled to an order of possession, and if so, for what date?

Are the tenants entitled to recovery of their filing fee?

Background and Evidence

The relevant evidence on this application is as follows. The tenancy began on August 1, 2008 as a one year fixed term tenancy, with monthly rent of \$1325 payable in advance on the 31st of the month. The tenants did not pay rent for November 2008, and on November 7, 2008 the landlords served the tenants with two notices to end tenancy, one for unpaid rent and one for landlord's use. As of the hearing date, the tenants did not pay the outstanding rent. In the hearing, the landlords requested an order of possession, effective December 15, 2008.

Analysis

I find that the ten day notice to end tenancy for unpaid rent is valid. The landlords are entitled to an order of possession. I therefore do not need to consider the issue of the notice to end tenancy for landlord's use.

Conclusion

I find that the landlords are entitled to an order of possession effective December 15, 2008. The tenants must be served with the order of possession. 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.

I dismiss the tenants' application. The tenants are not entitled to recovery of the filing fee for the cost of their application.

Dated: December 03, 2008