



Dispute Resolution Services

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

DECISION

Dispute Codes: OPR, MNR, MNSD, & FF

Introduction:

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim due to non-payment of rent by the tenants. Both parties appeared for the hearing and were provided the opportunity to be heard and respond to the evidence of the other party.

Issues to be Determined:

Is the landlord entitled to an Order of Possession due to non-payment of rent? Is the landlord entitled to a monetary claim related to non-payment of rent?

Background and Evidence:

This tenancy began February 15, 2008 for the monthly rent of \$750.00. The tenants paid a security deposit of \$375.00 on February 15, 2008. On November 8, 2008 the tenants were served a ten day Notice to End Tenancy due to non-payment of rent. The tenants did not pay the outstanding rent or file an application to dispute the notice within 5 days. Pursuant to section 46(5) of the *Act* the tenants are conclusively presumed to have accepted the end of the tenancy effective November 18, 2008.

On December 5, 2008 the tenants paid the landlord \$800.00 towards the outstanding rent in November 2008 and a \$50.00 towards the rent owed for December 2008. The tenants explained that they are currently having financial difficulties but will receive further money on December 12 and 19th, 2008 and January 2, 2009.

The landlord has requested an Order of Possession effective December 31, 2008. He is willing to grant the tenants further time to pay the outstanding rent; however, if all the rent for December and January are not paid by January 2, 2009 he will enforce the Order.

Analysis:

I grant the landlord's application. The tenants are in breach of the tenancy agreement by failing to pay the rent. The tenants are also conclusively presumed to have accepted the end of the tenancy by failing to pay the rent or disputing the Notice to End Tenancy.

I grant the landlord an Order of Possession effective **December 31, 2008 at 1:00 p.m.** This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I also grant the landlord a monetary Order for the sum of **\$700.00** for the outstanding rent due for December 2008. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

I also order that the landlord may recover the \$50.00 filing fee paid for this application from the tenants' security deposit.

Conclusion:

The landlord's application for dispute resolution is granted. I have issued the landlord an Order of Possession and a monetary Order related to non-payment of rent by the tenants. The landlord has provided the tenants further time to catch up with the rental arrears and if the tenants can meet their obligations this tenancy can continue.

Dated December 11, 2008.

Dispute Resolution Officer