



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, CNR, & FF

Introduction:

This hearing dealt with cross applications by the parties. The tenants are requesting that the 10 day Notice to End Tenancy due to non-payment of rent be set aside. The landlord is seeking an Order of Possession due to non-payment of rent.

Issue to be Determined:

Should the Notice to End Tenancy due to non-payment of rent be set aside?

Background and Evidence:

This tenancy began on October 1, 2008 and October 15, 2008 respectfully. Each of the named tenants had their own tenancy agreement with the landlord. The monthly rent was \$450.00 and \$475.00 respectfully. Each tenant paid a security deposit of \$225.00.

The tenants were served with a 10 day Notice to End Tenancy due to non-payment of rent on December 4, 2008 when it was posted on the door of the rental unit. Either party provided a copy of the 10 day Notice to End Tenancy. The landlord submits that the tenants have both failed to pay rent for December 2008 and January 2009.

The tenants stated in their application for dispute resolution that the rent was paid and that they had receipts to establish this claim. However, the tenants provided no evidence for this hearing supporting this statement. The tenant who participated in the hearing indicated that he had paid the rent but was not provided a receipt. This statement is inconsistent with the statement provided in the tenants' application.

The tenants also have disputed a one month Notice to End Tenancy for cause. This issue is being heard under a separate application for Dispute Resolution.

Analysis:

In the absence of any evidence to support the tenants' claim that they have paid the rent, I find that the 10 day Notice to End Tenancy should be upheld. The tenants' evidence is not consistent and I accept the landlord's evidence that the tenants have failed to pay rent for both December 2008 and January 2009.

I dismiss the tenants' application and I grant the landlord's application for an Order of Possession effective **two (2) days** after it is served upon the tenants. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

Conclusion:

The tenants' application requesting that the 10 day Notice to End tenancy be set aside is dismissed. I have granted the landlord's request for an Order of Possession. I Order that the landlord may recover the \$50.00 filing fee paid for this application by retaining it from the tenants' security deposits plus interest.

Dated January 19, 2009.

Dispute Resolution Officer