



Dispute Resolution Services

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

Decision

Dispute Codes: ET, OPR, FF

Introduction

This hearing dealt with an application from the landlords for an early end to tenancy, an order of possession, and recovery of the filing fee for this application. Both landlords and one of two tenants participated in the hearing and gave affirmed testimony.

Issues to be Decided

- Whether the landlords are entitled to an early end to tenancy and an order of possession
- Whether the landlords are entitled to recovery of the filing fee

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on October 1, 2008. Rent in the amount of \$1,240.00 is payable in advance on the first day of each month, and a security deposit of \$600.00 was collected on October 23, 2008.

The tenants failed to pay the full rent due on May 1, 2008. Specifically, \$400.00 was paid after several days into May and \$840.00 remained outstanding. Accordingly, the landlords issued a 10 day notice to end tenancy for unpaid rent. The landlords submitted into evidence a copy of the 10 day notice dated May 13, 2008 which was served in person on the tenants on that same date. Subsequently, the outstanding rent has not been paid.

Further to the above, the landlords received complaints from another tenant in relation to repeated noise disturbances from the subject unit and alleged drug use. Police were

called in relation to these concerns. While, during the hearing, the tenant challenged the motives of the tenant lodging the complaints, he did not dispute the allegations.

Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. 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 which was May 23, 2009. Further, the tenants did not dispute allegations made by another tenant in relation to noise disturbance and drug use. Accordingly, I find that the landlords are entitled to an early end to tenancy and an order of possession.

I further find that the landlords are entitled to recovery of the \$50.00 filing fee for this application, and I order that the landlords may withhold this amount from the security deposit at the end of tenancy.

Conclusion

I hereby grant the landlords an early end to tenancy and I issue an order of possession effective not later than **two (2) days** after service upon 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.

I hereby order that the landlords may withhold from the security deposit the amount of \$50.00 for the filing fee.

DATE: May 26, 2009

Dispute Resolution Officer