



Dispute Resolution Services

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

Decision

Dispute Codes: ET, OPC

Introduction

This hearing dealt with the landlord's application to end tenancy early and for an order of possession. Both parties participated in the hearing and gave affirmed testimony.

Issues to be decided

- Whether the landlord is entitled to an early end to tenancy and an order of possession

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began on December 1, 2008. Rent in the amount of \$750.00 is payable on the first day of the month, and a security deposit of \$375.00 was collected on November 24, 2008.

Arising from one half month's rent (\$375.00) which was still outstanding on July 1, 2009, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 4, 2009. The notice was served in person on one of the tenants on that same date. A copy of the notice was submitted into evidence. Subsequently, the tenants did not pay the outstanding rent for July, and neither has any rent been paid for August 2009.

The landlord requested that an order of possession be effective not later than 1:00 p.m., Friday, August 14, 2009.

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 dated July 4, 2009.

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. Accordingly, I find that the landlord is entitled to an order of possession.

The landlord made no application for a monetary order, or for retention of the security deposit in partial satisfaction of a claim, or for recovery of the filing fee.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord effective not later than **1:00 p.m., Friday, August 14, 2009**. 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.

DATE: August 11, 2009

Dispute Resolution Officer