



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      FF, MNR, OPC, OPR

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an Order of Possession, a request for a monetary order for \$775.00 and request for an order that the respondents bear the \$50.00 cost of the filing fee.

### Background and Evidence

The applicants testified that:

- On September 7, 2010 they served the tenants with a one month Notice to End Tenancy.
- The tenants filed a dispute of that notice but at the hearing the Dispute Resolution Officer upheld the notice, however the tenants failed to vacate.
- The November 2010 rent is now also outstanding

The applicant is therefore requesting an Order of Possession for as soon as possible and an order for the outstanding rent and the filing fee.

The respondent testified that:



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- They did file a dispute of the Notice to End Tenancy however the Dispute Resolution Officer found in favour of the landlords and upheld the notice.
- The Dispute Resolution Officer did not issue an Order of Possession however, and therefore they have not vacated.
- The landlord tried to have a bailiff remove them; however he was unable to do so because he did not have an Order of Possession.

## Analysis

The Notice to End Tenancy was upheld in a previous arbitration and therefore this tenancy ends pursuant to that notice and the tenants should have vacated; however since they have failed to do so I will be issuing an Order of Possession in favour of the landlords.

The landlord has also shown that rent in the amount of \$775.00 is outstanding for November 2010 and therefore I allow that portion of the claim.

I also allow the landlords claim for the filing fee

## Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants, and have issued a monetary order in the amount of \$825.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: November 26, 2010.

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Dispute Resolution Officer