



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MT, CNC

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issues to be Decided

Is the landlord entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy started on July 1, 1998 with a monthly rent contribution of \$830.00. The landlord does not require a security deposit. On October 14, 2010 the landlord served the tenant with a 10 day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants have paid all the rent owed for October and November and paid all but \$166.00 of December's rent. The landlord has given the tenants 'for use and occupancy' receipts for these rent payments. The tenants have occupied the rental unit for 12 years and throughout this tenancy the tenants have been chronically late when paying rent.

The landlord is asking for an order of possession dated December 2, 2010. The landlord stated in this hearing that if the tenants pay all of December's rent by December 1, 2010 the landlord will not seek a writ of possession in the Supreme Court of British Columbia to evict the tenants.

As the tenants have paid all the rent that was in arrears the landlord no longer requires a monetary order for unpaid rent and this part of their application is dismissed.



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Analysis

Based on the documentary evidence and testimony I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The tenants have made payments towards the outstanding rent and the landlord has given the tenants receipts noted as 'for use and occupancy only' for these payments. The tenants did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 pm, December 2, 2010**. This Order must be served on the Tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

Pursuant to section 72 I order that the tenant(s) pay to the landlord the sum of \$50.00 representing the fee paid under section 59.

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

Dispute Resolution Officer