

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with cross applications. The tenants have made application to cancel a notice for unpaid rent and recovery of the filing fee. The landlords have made application for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee. Both parties participated in the conference call hearing.

Issues to be Decided

Is either party entitled to any of the above under the Act.

Summary of Background and Evidence

This fixed term tenancy started October 1, 2009 with rent of \$3800.00, the tenants paid a security deposit of \$1900.00. On December 24, 2010 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent. On December 29, 2010 the tenants gave the landlord 1 months notice in writing to vacate January 31, 2011.

The landlord' agent testified that the tenants have not paid rent in full for the months of October, November, December 2010 and January 2011 for a total of \$14,270.00 owing in unpaid rent and late fees. The landlord's agent has requested an Order of Possession for January 31, 2011 which is the day the tenants have stated they will vacate by.

The tenant testified that the documents submitted by the landlord's agent were false and that he objected to the hearing. The tenant does admit that they clearly understood what the 10 Day Notice to End Tenancy for Unpaid Rent was for and the tenant was able to obtain the landlord agent's address for service in a timely manner.

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 did not pay the outstanding rent within 5 days of receiving the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$14,270.00 in unpaid rent.

The landlord is also entitled to recovery of the \$100.00 filing fee.

Conclusion

I hereby grant the Landlord an **Order of Possession** effective not later than **1:00 PM, January 31, 2011**. 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.

I find that the landlord has established a monetary claim for \$14,270.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee.

A monetary order in the amount of **\$14,370.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

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: January 24, 2011

Residential Tenancy Branch