



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNR & CNC

Introduction

This hearing dealt with the tenants' application to dispute two notices to end tenancy. Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross examine the other party, and make submissions to me.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession due to non-payment of rent by the tenants?

Did the tenants dispute the 1 month Notice to End Tenancy for Cause in the timeframe provided by the *Act*?

Background and Evidence

This tenancy began on June 1, 2010 for the monthly rent of \$750.00 and a security and pet deposit of \$750.00 paid on May 28, 2010. The rent is due on the 1st of each month.

The tenants were served with a 10 day Notice to End Tenancy Due to Unpaid Rent on January 5, 2010 for failing to pay the rent owed of \$750.00 on January 1, 2011. The tenants confirmed that the rent has not been paid as of the date of this hearing.

The tenants were also served with a 1 month Notice to End Tenancy for Caused on December 21, 2010 for repeated late payment of rent and for significantly or unreasonably disturbing another occupant or the landlord. The tenants had 10 days to dispute this notice or until January 4, 2011. The tenants did not file an application to dispute this notice until January 12, 2011.

The tenants stated that they could pay some of the outstanding rent over time if the landlord provided them with the opportunity but otherwise agreed that the landlord was entitled to an Order of Possession.

The landlord verbally requested an Order of Possession.

Analysis

The tenants' application for Dispute Resolution is dismissed without leave to re-apply. I am satisfied that the tenants breached the tenancy agreement by failing to pay the rent owed on January 1, 2011 and there is no reason to set the notice aside.

I also find that the tenants have conclusively accepted the end of the tenancy by failing to dispute the 1 month Notice to End Tenancy for Cause within the 10 day time frame provide by the legislation.

Section 55 of the *Act* provides that if a tenant's application for Dispute Resolution is dismissed, and the landlord makes an oral request for an Order of Possession, then the director must grant the Order of Possession of the rental unit to the landlord.

The landlord did make an oral request for an Order of Possession to the rental unit. Therefore, I grant the landlord's request and will issue an Order of Possession for the rental unit.

Conclusion

The tenants' application for Dispute Resolution is dismissed without leave to re-apply. The landlord is granted an Order of Possession effective **two (2) days** after it has been served upon the tenants. This Order may be filed with the Supreme 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 31, 2011.

Residential Tenancy Branch