



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for an order of possession, and a monetary order.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form.

### Issue(s) to be Decided

Are the landlords entitled to an order of possession for unpaid rent?  
Are the landlords entitled to a monetary order?

### Background and Evidence

Based on the testimony the landlord, I find that the tenants were served with a notice to end tenancy for non-payment of rent on October 17, 2011 by personal service, which was signed and acknowledged by the tenants. The notice informed the tenants that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenants had five days to dispute the notice.

The tenant testified that she is having a hard time at the moment and confirms that rent for October 2011, has not been paid.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenants have not paid the outstanding rent and did not apply to dispute the Notice, and 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.

I find that the landlords are entitled to an order of possession effective **two days** after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlords have established a total monetary claim of \$600.00 comprised of rent owed for October, 2011.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The tenants failed to pay rent and did not file to dispute the notice to end tenancy. The tenants are presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlords are granted an order of possession and I grant a monetary order in the amount of \$600.00.

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 16, 2011.

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Residential Tenancy Branch