



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlords for an order of possession, a monetary order for unpaid rent and utilities and to recover the cost of the filing fee for this application.

Although tenant (A) was served with the Application for Dispute Resolution and Notice of Hearing in person on November 2, 2011, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

Both the landlord and tenant (B) 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 for unpaid rent and utilities?
Is the landlord entitled to a monetary order?

Background and Evidence

Based on the testimony of the landlord, I find that the tenants were served with a notice to end tenancy for non-payment of rent on October 25, 2011, by personal service. 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 male landlord testified that the tenants have not paid all the rent for October and November 2011. That tenant (A) has made recent payments in the amount of \$750.00 and the balance owing for rent is \$1,950.00.

The male landlord further testified that the tenants have not paid the water bill in the amount of \$167.58 for the rental property.

The tenant (B) testified that she does not reside in this rental unit, and that she acted as a co-signer on the tenancy agreement to help out her brother. That she acknowledges that there is outstanding rent owed to the landlords.

The tenant (B) testified that she paid the water bill on November 2, 2011, and has a receipt confirmation number.

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 tenant. 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 \$2,000.00 comprised of rent owed and the \$50.00 fee paid by the landlords for this application.

I dismiss the landlord's application for unpaid utilities and grant leave to re-apply if the utility was not paid as testified by the tenant.

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 for the balance due.

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 22, 2011.

Residential Tenancy Branch