



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with the Tenants' Application for Dispute Resolution, seeking to cancel a 10 day Notice to End Tenancy for unpaid rent.

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.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure, however, I refer only to the relevant facts and issues in this decision.

Issue(s) to be Decided

Should the Notice to End Tenancy be cancelled?

Background and Evidence

This is the second time the parties have been to dispute resolution.

In this instance, the parties disagreed over rent to be paid for the first two weeks of the tenancy.

The Landlord testified that on May 5, 2012, she personally served the male Tenant with the 10 day Notice to End Tenancy for unpaid rent of \$411.66. The male Tenant testified he was served with the Notice to End Tenancy on May 5, 2012, by the Landlord.

The Tenants filed their Application for Dispute Resolution on May 17, 2012, some 12 days after they were served with the Notice to End Tenancy. The female Tenant testified she did not know why she waited so long to file their Application, although she guessed it may have had something to do with the May long weekend.

I note the May long weekend did not occur until May 21, 2012, which was the weekend after the Tenants had filed their Application

The Landlord also testified that the Tenants had not paid their June 2012 rent either and had been served with another 10 day Notice to End Tenancy.

Analysis

Based on the above, the evidence and testimony, and on a balance of probabilities, I find the Tenants failed to file their Application for Dispute Resolution within the required timeframes under the Act.

The Notice explains to the Tenants they had five days to either pay the rent, or, file an Application to dispute the Notice. The Tenants did not pay the rent and they waited 12 days to dispute the Notice to End Tenancy. Therefore, I find that the Tenants failed to dispute the Notice on time and their Application must be dismissed.

Following my dismissal of the Tenants' Application, the Landlord requested an order of possession. Under section 55 of the Act, I must grant that request.

Therefore, I grant and issue an order of possession effective **two days** after service upon the Tenants. This order must be served on the Tenants and may be enforced in the Supreme Court of British Columbia.

The Landlord must apply for a monetary order for unpaid rent.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: June 11, 2012.

Residential Tenancy Branch