



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, MNR, O

### Introduction

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

The hearing was conducted via teleconference and was attended by the landlords

The landlord testified each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on August 20, 2013 in accordance with Section 89.

Based on the testimony of the landlord, I find that the tenants have been sufficiently served with the documents pursuant to the *Act*.

While the landlords had named 3 respondents LL, MN, and SH only 2 of the respondents are named in the tenancy agreement. As the third name respondent is not a party to the tenancy agreement I amend the landlords' application to exclude the respondent MN.

At the outset of the hearing the landlords submitted that they no longer sought a monetary order. I amended the landlords' Application to exclude any monetary claims.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for cause, pursuant to Sections 47 and 55 of the *Act*.

### Background and Evidence

The landlord has submitted the following documents into evidence:

- A copy of a tenancy agreement signed by the parties on August 15, 2010 for a month to month tenancy beginning on September 1, 2010 for a monthly rent of \$1050.00 due on the 1<sup>st</sup> of each month with a security deposit of \$525.00 paid;

- A copy of a 1 Month Notice to End Tenancy for Cause dated July 22, 2013 with an effective vacancy date of August 31, 2013 citing the tenant is repeatedly late paying rent.

The landlord submits the tenants were served the 1 Month Notice to End Tenancy for Cause personally on July 22, 2013.

The Notice states the tenants had 10 days to apply for Dispute Resolution or the tenancy would end. The tenants did not apply to dispute the Notice to End Tenancy within 10 days.

### Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on July 22, 2013 and the effective date of the notice was August 31, 2013. I accept the evidence before me that the tenants failed to dispute the Notice within the 10 days granted under Section 47(4) of the *Act*.

Based on the foregoing, I find the tenants are conclusively presumed under Section 47(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be 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: September 26, 2013

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Residential Tenancy Branch

