



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR CNC FF O

Introduction

This hearing dealt with applications by the landlord and the tenants. The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent. The tenants applied to cancel a notice to end tenancy for cause.

This matter was set for hearing by telephone conference call at 1:00 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenants did not attend the hearing by 1:10 p.m., and the landlord appeared and was ready to proceed, I dismissed the tenants' claim without leave to reapply. I then proceeded to address the landlord's application.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began on August 1, 2013. Rent in the amount of \$900 is payable in advance on the first day of each month. The tenants failed to pay \$450 of the rent in the month of September 2013 and on September 24, 2013 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the months of October and November 2013.

Analysis

Based on the landlord's evidence I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent and have not applied for dispute resolution to dispute the notice and are therefore

conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I further grant the landlord a monetary order for \$50.

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 7, 2013

Residential Tenancy Branch

