



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR

Introduction

This hearing dealt with an application by the tenants to cancel a notice to end tenancy for unpaid rent.

The landlord participated in the teleconference hearing. The tenants, however, did not attend despite waiting for them for 15 minutes past the scheduled hearing start time of 11:00 a.m.

Issue(s) to be Decided

Should the notice to end tenancy be cancelled?
If not, is the landlord entitled to an order of possession?

Background and Evidence

The landlord gave evidence that he served the tenants with the Notice to End Tenancy for Unpaid Rent (the "Notice") by registered mail, which he mailed on December 30, 2013. The Notice indicates the tenants owed \$1,040.00 in rent that was due on December 15, 2013 and \$260.50 in utilities that was due on December 27, 2013. The effective date on the Notice is January 10, 2014. Section 90 of the Act provides that because the Notice was served by mail, the tenants are deemed to have received the Notice five days later on January 4, 2014.

The tenants applied to dispute the Notice on January 3, 2014.

The landlord gave evidence that the tenants made no payments between the time he served the Notice and January 20, 2014. On January 20, 2014, the tenants paid him \$2,000.00 and on approximately January 29, 2014, the tenants paid him \$80.00. The

landlord states that the tenants have now paid rent through February 15, 2014. The landlord states that he accepted rent but did not reinstate the tenancy.

The landlord requests an order of possession effective February 16, 2014.

Analysis

I find that the tenants received the Notice on January 4, 2014.

The tenants did not attend the hearing, and so their Application for Dispute Resolution is dismissed. The Notice is therefore not cancelled and the tenancy ended on the effective date of the Notice. Pursuant to Section 53, the effective date of the Notice is deemed to be January 14, 2014. The landlord has agreed that the effective date is amended to February 16, 2014.

The landlord is entitled to an order of possession which will be effective at 1 p.m. on February 16, 2014.

Conclusion

The tenants' application is dismissed. The landlord is granted an order of possession.

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: February 05, 2014

Residential Tenancy Branch

