



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, OPB, MND, MNR, MNSD, MNDC, FF, SS

Introduction

The landlords apply for an order of possession pursuant to a one month Notice to End Tenancy for cause served March 2, 2014 and for a monetary award for unpaid March 2014 rent and for damages for the anticipated cost of repairs to the premises.

The tenants did not dispute the one month Notice and, as a result, by operation of s. 47 of the *Residential Tenancy Act* (the “Act”) the tenants are “conclusively deemed” to accept the end of the tenancy pursuant to that Notice. The Notice gives April 2, 2014 as its effective date. By law the Notice can only be effective, at the earliest, on April 30, 2014. By operation of s.53 of the *Act* the Notice automatically corrects itself to that date. I grant the landlords an order of possession for one o’clock in the afternoon on April 30, 2014.

The March rent was paid by the hearing date and so that claim has been satisfied. It is agreed that the tenants will attend to payment of the April rental money immediately following the hearing.

The remainder of the landlord’s application is dismissed with leave to re-apply once the tenants have vacated at the end of the tenancy. The tenants have until then to ensure they return the premises to the landlords in a state of reasonable cleanliness and undamaged, but for reasonable wear and tear; the standard required by s.37(2) of the *Act*.

In the tenants’ responding materials they appear to make a monetary claim against the landlords. In order to properly make a claim against the landlords the tenants must make their own application for dispute resolution and serve it on the landlords. They are free to do so following this hearing.

The landlords are entitled to recover the \$50.00 filing fee for this application and I authorize them to recover it from the \$475.00 security deposit they hold.

This decision was rendered orally at hearing 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: April 02, 2014

Residential Tenancy Branch

