



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement.

The landlord attended the teleconference hearing and gave evidence, however the tenants did not attend. The landlord gave evidence that she served the tenants with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail on April 25, 2014. I find the tenants were properly served.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The landlord gave evidence that the tenancy started September 15, 2013 and the tenants are obligated to pay \$750.00 rent monthly in advance on the first day of the month. The tenants also paid a security deposit of \$375.00.

The landlord gave evidence that she served the tenants personally on April 8, 2014 with a Notice to End Tenancy for Unpaid Rent (the "Notice"). The Notice indicates the tenants failed to pay \$250.00 rent that was due April 1, 2014. The Notice specifies an effective date of April 18, 2014.

The landlord gave evidence that the tenants paid the \$250.00 on April 24, 2014 however she did not reinstate the tenancy. The landlord gave evidence that the tenants

have paid May 2014 rent in full. For that reason, she withdraws her claim for a monetary order.

### Analysis

I find the tenants received the Notice on April 8, 2014. I accept the landlord's evidence that the tenants did not pay the unpaid rent amount until April 24, 2014, 16 days later. According to Section 46(5), if a tenant does not pay the rent or make application for dispute resolution within five days of receiving the Notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. For these reasons, I find that the landlord is entitled to an order of possession. Since the landlord has accepted May 2014 rent in full, the order of possession shall be effective May 31, 2014 at 1 p.m. I grant the landlord an order of possession which must be served on the tenants. Should the tenants fail to comply with the order, it may be filed for enforcement in the Supreme Court.

### Conclusion

I grant the landlord an order of possession effective May 31, 2014.

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: May 16, 2014

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Residential Tenancy Branch

