



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlords: OPR, MNR, MNDC, FF
 Tenants: CNR

Introduction

This hearing dealt with the cross Applications for Dispute Resolution. The landlords sought a monetary order and an order of possession. The tenants sought to cancel a notice to end tenancy.

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

The landlords 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 December 20, 2014 in accordance with Section 89.

Based on the testimony of the landlords, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

In addition, I note the female tenant submitted her own Application for Dispute Resolution to cancel the Notice to End Tenancy and the hearing time and date were actually scheduled as a result of her Application.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

It must also be decided are if the tenants are entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Sections 46 of the *Act*.

Background and Evidence

The landlords submitted into evidence the following relevant documents:

- A copy of a tenancy agreement signed by the parties for a month to month tenancy beginning on September 1, 2014 for the monthly rent of \$845.00 due on the 1st of each month with a security deposit of \$422.00 and a pet damage deposit of \$200.00 paid;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on December 1, 2014 with an effective vacancy date of December 10, 2014 due to \$845.00 in unpaid rent; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on December 9, 2014 with an effective vacancy date of December 18, 2014 due to \$845.00 in unpaid rent.

Analysis

Section 46 of the *Act* states a landlord may end a tenancy if rent is unpaid on any day after the day it is due, by giving notice to end the tenancy on a date that is not earlier than 10 days after the date the tenant receives the notice. A notice under this section must comply with Section 52 of the *Act*.

Section 46(4) allows the tenant to either pay the rent or file an Application for Dispute Resolution to dispute the notice within 5 days of receipt of the notice.

Section 46(5) states that if a tenant who has received a notice under this section does not pay the rent or make an Application for Dispute Resolution to dispute the notice within the allowed 5 days 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.

As the tenants have failed to attend this hearing I dismiss their Application for Dispute Resolution in its entirety.

Based on the landlords' undisputed evidence and testimony I find the landlords are entitled to an order of possession based on the 10 Day Notice to End Tenancy for Unpaid Rent issued on December 9, 2014.

Conclusion

I find the landlords are 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 landlords may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlords are entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$1,740.00** comprised of \$1,690.00 rent owed and the \$50.00 fee paid by the landlords for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlords may file the order in the Provincial Court (Small Claims) 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: January 08, 2015

Residential Tenancy Branch

