



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution seeking to cancel a notice to end tenancy. The hearing was conducted via teleconference and was attended by the landlord only.

The landlord submitted documentary evidence to confirm 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)* by registered mail on March 13, 2015 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5<sup>th</sup> day after they have been mailed. Based on the evidence of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is 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*.

### Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on August 21, 2014 for a month to month tenancy beginning on August 21, 2014 for the monthly rent of \$1,050.00 due on the 1<sup>st</sup> of each month and a security deposit of \$525.00 and a pet damage deposit of \$525.00 were paid. The tenancy

agreement stipulates that the tenants must pay the landlord \$50.00 per month for water; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on February 27, 2015 with an effective vacancy date of March 9, 2015 due to \$2,300.00 in unpaid rent.

Documentary evidence filed by the landlord indicates the tenants failed to pay the full rent owed for the months of December 2014, January 2015 and February 2015 and that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent personally on February 27, 2015. At the time the amount of rent owing was \$2,200.00. The Notice indicated that \$2,300.00 was outstanding at the time. The landlord confirmed this amount included \$100.00 for water.

The Notice states the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days. The landlord confirmed the tenants have not paid any rent or water for the months of March or April 2015, with the exception of a payment of \$500.00 made on March 16, 2015 towards the rental and water arrears.

### Analysis

I have reviewed all documentary evidence and accept that the tenants have been served with notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on February 27, 2015 and the effective date of the notice was March 9, 2015. I accept the evidence before me that the tenants failed to pay the rent owed in full within the 5 days granted under Section 46(4) of the *Act*.

Based on the foregoing, I find the tenants are conclusively presumed under Section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

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

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$4,050.00** comprised of \$4,300.00 rent owed; \$200.00 water owed and the \$50.00 fee paid by the landlord for this application less the amount received by the landlord of \$500.00.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord 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: April 13, 2015

---

Residential Tenancy Branch

