



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking a monetary order and an order of possession.

The hearing was conducted via teleconference and was attended by both landlords

The landlord provided 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 April 29, 2015 in accordance with Section 89. Section 90 of the *Act* deems documents served in such a manner to be received on the 5th day after they have been mailed.

Based on the documentary 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 cause; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 47, 55, 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted the tenancy began as a month to month tenancy beginning in April 2013 for a monthly rent of \$675.00 due on the 1st of each month with a security deposit of \$335.00 paid.

The landlord submitted into evidence a copy of a 1 Month Notice to End Tenancy for Cause issued on March 31, 2015 with an effective vacancy date of May 1, 2015 citing the tenants or a person permitted on the property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord and the tenant has engaged in illegal activity that has or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant or the landlord.

The landlord submits this notice was served personally to the tenants on March 31, 2015.

The landlord testified the tenants failed to pay the full month's rent for the month of April 2015 and still owe \$334.00 for that month. The landlord also submitted the tenants have paid no rent at all for the months of May and June 2015.

Analysis

Based on the landlord's undisputed testimony and evidence I find the tenants have failed to pay rent as described by the landlord and owes the landlords rent in the amount of \$1,684.00.

Section 47 of the *Act* allows a landlord to end a tenancy by giving notice to end the tenancy if the tenant or a person permitted on the residential property by the tenant has significantly interfered with or unreasonably disturbed another occupant or the landlord of the residential property or the tenant or a person permitted on the residential property by the tenant has engaged in illegal activity that has adversely affected or is likely to adversely affect the quiet enjoyment, security, safety or physical well-being of another occupant of the residential property.

Section 47(4) allows a tenant who receives a notice under Section 47 to apply to dispute the notice within 10 days of receiving it. Section 47(5) states that if a tenant does not file an Application for Dispute Resolution seeking to cancel such a notice the tenant is conclusively presumed to have accepted the end of the tenancy and must vacate the unit by the effective date of the notice.

As there is no evidence before me that the tenants filed an Application for Dispute Resolution seeking to cancel the 1 Month Notice to End Tenancy for Cause issued on March 31, 2015, within 10 days of receiving it, I find the tenants are conclusively presumed to have accepted the end of the tenancy and they must vacate the rental unit.

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 in the amount of **\$1,734.00** comprised of \$1,684.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$335.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,399.00**. 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: June 11, 2015

Residential Tenancy Branch

