



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with an application by the tenants seeking to have a 10 Day Notice for Unpaid Rent or Utilities set aside and to recover the filing fee for this application. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

Issues to be Decided

Are the tenants entitled to have the notice set aside?

Are the tenants entitled to the recovery of the filing fee?

Background and Evidence

The landlord gave the following testimony. The tenancy began on or about December 1, 2014. Rent in the amount of \$820.00 is payable in advance on the first day of each month. The landlord stated the tenants paid \$280.00 of January's rent on January 1, 2016. The landlord stated that on January 12, 2016 the landlord served the tenant with a notice to end tenancy. The landlord stated that the tenant received the notice on that day and paid her another \$100.00. The landlord stated that the tenant paid the balance of \$440.00 on January 26, 2016.

The landlord stated that she did not re-instate the tenancy and still wished to end it. The tenant further failed to pay rent in the month(s) of February. The landlord stated that in addition to the unpaid rent the tenant has not paid the utilities for several months. The landlord requests an order of possession.

The tenants' testimony is as follows. The tenants stated that they agree with all of the landlords' testimony except for the unpaid utilities. The tenants stated that the landlord has not provided them with any copies of the utilities bills. The tenants stated that they

filed for dispute resolution on January 15, 2016. The tenants stated that there are many other issues in regards to this tenancy.

Analysis

I accept the landlord's testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and although the tenants did apply for dispute resolution to dispute the notice, they did not or provide sufficient justification as for the late payment. This issue of the unpaid utilities can be addressed in a separate hearing as the landlord has not yet provided a demand letter to the tenants and is premature in that claim. Based on the above facts I find that the landlord is entitled to an order of possession. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession. The tenants' application is dismissed in its entirety.

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: February 09, 2016

Residential Tenancy Branch

