



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes:

OPC, MNDL, FFL

### Introduction

The hearing was convened in response to an Application for Dispute Resolution filed by the Landlords in which the Landlords applied for an Order of Possession for Cause, for a monetary Order for money owed or damage or loss, and to recover the fee for filing this Application for Dispute Resolution.

The Landlord stated that on April 17, 2019 the Application for Dispute Resolution, the Notice of Hearing, and evidence the Landlords submitted to the Residential Tenancy Branch in April of 2019 were sent to the rental unit for each Tenant, via registered mail. The Landlords submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however neither Tenant appeared at the hearing.

### Preliminary Matter

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the Landlords have identified several issues in dispute on the Application for Dispute Resolution which are not sufficiently related to be determined during these proceedings.

I find the most urgent issue in dispute at these proceedings is the Landlords' application for an Order of Possession. I will therefore consider that application at these proceedings, in addition to the application to recover the fee for filing this Application for Dispute Resolution.

In my view the Landlord's application for a monetary Order is not sufficiently related to possession of the rental unit and that claim is therefore severed. The Landlord retains

the right to file another Application for Dispute Resolution in which he claims compensation for damage to the rental unit.

### Issue(s) to be Decided

Are the Landlords entitled to an Order of Possession?

### Background and Evidence

The Landlord stated that:

- this tenancy began on June 01, 2018;
- he has a written tenancy agreement with the two people named as Respondents in this Application for Dispute Resolution;
- these Tenants agreed to pay rent of \$1,800.00 by the first day of each month;
- the Tenants have allowed other people to live in the rental unit;
- he does not have a tenancy agreement with anyone else living in the house;
- on February 27, 2019 he personally served a female with the initials "C.R." with a One Month Notice to End Tenancy for Cause;
- the female with the initials "C.R." lives in the house with the Tenants and is an adult;
- the One Month Notice to End Tenancy for Cause declares that the Landlords are ending the tenancy because the rent has been repeatedly late and the tenant has allowed an unreasonable number of people to live in the rental unit;
- the One Month Notice to End Tenancy declares that the rental unit must be vacated by March 31, 2019;
- he has accepted rent from the female with the initials "C.R." since the One Month Notice to End Tenancy for Cause was served, which was accepted for "use and occupancy"; and
- the Tenants have not disputed the One Month Notice to End Tenancy for Cause.

### Analysis

On the basis of the undisputed evidence I find that a One Month Notice to End Tenancy for Cause, pursuant to section 47 of the *Act*, was personally served to an adult who resides in the rental unit with the Tenants. I therefore find that this document has been served to the Tenants in accordance with section 88(e) of the *Act*.

Section 47(5) of the *Act* stipulates that tenants are conclusively presumed to have accepted that the tenancy ends on the effective date of a notice received pursuant to section 47 of the *Act* and that the tenants must vacate the rental unit by that date unless

the tenant disputes the notice within ten days of receiving it. As there is no evidence that the Tenants filed an application to dispute the One Month Notice to End Tenancy, I find that the Tenants accepted that the tenancy was ending on March 31, 2019, pursuant to section 47(5) of the *Act*. As the rental unit has not yet been vacated, I grant the Landlord an Order of Possession.

I find that the Application for Dispute Resolution has merit and I therefore grant the application to recover the fee for filing this Application for Dispute Resolution.

### Conclusion

I grant the Landlords an Order of Possession that is effective two days after it is served upon the Tenants. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia, and enforced as an Order of that Court.

The Landlords have established a monetary claim of \$100.00 in compensation for the cost of filing this Application and I grant them a monetary Order for that amount. In the event the Tenants do not voluntarily comply with this Order, it may be served on the Tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of the 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: May 28, 2019

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Residential Tenancy Branch