



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the landlord for an order of possession for unpaid rent and for a monetary order for unpaid rent. The landlord also seeks to recover the filing fee for the cost of this application.

The landlord and the two named tenants were present at the hearing which was held via teleconference.

At the commencement of the hearing, the landlord advised that the unpaid rent which was the subject of her monetary order request had been paid on August 20, 2008. The landlord still seeks an immediate order of possession.

Issues(s) to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord gave evidence that the tenancy commenced on July 1, 2008 at a monthly rent of \$1400.00, payable on the first day of the month in advance. The landlord issued the tenants a Notice to End tenancy for Unpaid Rent on September 8, 2008 for the unpaid rent for the month of September.

The tenants have not filed an application to dispute the Notice as issued by the landlord, and the outstanding rent of \$1400.00 was paid to the landlord on September 20, 2008.

Analysis

The tenants had a period of five days after being issued the Notice to End Tenancy on September 8, 2008 to either pay the outstanding rent as listed in the Notice or to file an application for dispute resolution. These options are clearly laid out in page 2 of the Notice. The tenants have not done either of the options available to them.



Dispute Resolution Services

Page: 2

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A tenant who does not exercise either of the options available to them are deemed pursuant to s. 46 (5) of the Residential Tenancy Act to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

I find that the landlord is entitled to an immediate order of possession as requested.

Conclusion

I make an order that the tenants must vacate the premises within two days of being served the order of possession. The order may also be filed with an enforced as an order of the Supreme Court of British Columbia.

I also grant the landlord a monetary order for the amount of the filing fee for this application, namely \$50.00. This order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: September 30, 2009

Dispute Resolution Officer