



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNR

### Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for Unpaid Rent and Utilities. The Tenant/Applicant did not attend the hearing and as a result, the hearing proceeded in his absence.

### Issues(s) to be Decided

1. Are the Landlords entitled to end the tenancy?

### Background and Evidence

This month to month tenancy started on December 1, 2008. Rent is \$850.00 per month payable in advance on the 1<sup>st</sup> day of each month. The Landlords said the Tenant paid only \$425.00 for April 2009 and did not pay rent for May 2009. Consequently, the Landlords served the Tenant in person on May 1, 2009 with a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities dated May 1, 2009. The Landlords claim that the Tenant has not paid any amounts since he was served with the 10 Day Notice.

### Analysis

I note that the rent arrears alleged on the Notice includes an amount for May 2009 rent. Section 46(1) of the Act says that a Landlord may issue a Notice to End Tenancy if rent is unpaid **any day after it is due**. Consequently, because May 2009 rent was not yet unpaid on May 1<sup>st</sup>, the amount of the arrears on the Notice should only have indicated the arrears for April 2009. In any event, the Notice is enforceable because I find that rent for April 2009 was due and unpaid when the Notice was served.

As a result, I find that there are no grounds for the Tenant's application and it is dismissed. The Landlords requested and I find pursuant to s. 55(1) of the Act that they are entitled to an Order of Possession to take effect at 1:00 p.m. on July 1, 2009.



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## Conclusion

The Tenant's application is dismissed. An Order of Possession to take effect at 1:00 p.m. on July 1, 2009 has been issued to the Landlords and a copy of it must be served on the Tenant. The Order of Possession may be enforced in the Supreme Court of British Columbia.

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 24, 2009.

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Dispute Resolution Officer