

# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

## **DECISION**

### **Dispute Codes:**

CNR, MT

### **Introduction**

This hearing dealt with an application by the tenant to cancel a Ten (10) day Notice to End Tenancy for unpaid rent. The applicant's request for allowing the tenant more time to make an application to cancel a Notice to End Tenancy is not required, as application was made within the allowable time to file an application and will not be a subject of this decision.

The hearing was attended by, both, the tenant and the landlord.

At the hearing the landlord verbally requested an Order of Possession effective January 31, 2009.

### **Issue(s) to be Decided**

Should the Notice to end tenancy be cancelled?

Is the landlord entitled to an order of possession?

### **Background and Evidence**

Rent in the amount of \$650 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$325. The tenant testified she failed to pay rent for the month of December 2008 and on December 05, 2008 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant testified she failed to pay rent for the month of January 2009.

## **Analysis**

Based on the testimony of the tenant and the landlord I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and I find the notice to be valid.

The Ten Day Notice to End Tenancy is upheld, and is **not** cancelled.

Based on the above facts and the landlord's request, I find the landlord is entitled to an order of possession.

## **Conclusion**

I grant an order of possession to the landlord **effective January 31, 2009**. The tenant must be served with this order of possession. Should the tenant 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.

Dated January 22, 2009