



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *CNR*

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began in September 2012. The monthly rent is \$450.00, due on the first day of each month. On February 23, 2014, the landlord served the tenant with a ten day notice to end tenancy for nonpayment of rent in the amount of \$600.00. The parties did not agree with the amount of unpaid rent but the tenant agreed that at the time of this hearing, he owed the landlord \$150.00 in unpaid rent.

The tenant stated that the money was available for the landlord if she contacted the tenant's social worker, for payment. The tenant also stated that the landlord was difficult to reach by telephone and that he had no way of letting her know that the money was available. The tenant paid his monthly rent in person to the landlord's daughter or by depositing the rent directly into the landlord's bank account. The tenant did not provide any reason why he was not able to deposit the \$150.00 that he agreed he owed the landlord, directly into the landlord's bank account.

Analysis:

Based on the sworn testimony of the both parties, I find that the tenant received the notice to end tenancy for unpaid rent, on February 23, 2014 and did not pay the outstanding rent within five days of receiving the notice to end tenancy. Accordingly, I uphold the notice to end tenancy.

During the hearing, the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the 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.

The landlord is at liberty to file her own application for a monetary order for unpaid rent.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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: April 15, 2014

Residential Tenancy Branch

