



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Rockwood North
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This is an application to cancel a Notice to End Tenancy that was given for nonpayment of rent.

A small amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue is whether or not to cancel a Notice to End Tenancy that was given for nonpayment of rent.

Background and Evidence

The Landlords testified that:

- The tenant failed to pay the February 2014 and March 2014 rent, and therefore on March 5, 2014, a 10 day Notice to End Tenancy was personally served to the tenant.
- The tenant has failed to comply with that notice and has failed to pay any further rent.
- They therefore request that the Notice to End Tenancy be upheld and requesting and that an Order of Possession be issued.

The tenant testified that:

- She paid the February 2014 and March 2014 rent, however she was not given a receipt. This rent was paid to a previous manager.
- She has not paid the April 2014 rent however she is willing to do so.

Analysis

The tenant claims that she has paid the February 2014 and March 2014 rent, however she has provided no evidence in support of that claim.

The landlords have testified that they have not received any rent for the month of February 2014 through April 2014 and in the absence of any evidence from the tenant showing that any rent has been paid for those months I am not willing to cancel a Notice to End Tenancy.

Conclusion

This application to cancel a Notice to End Tenancy is dismissed without leave to reapply and I have issued an Order of Possession to the landlords, that is enforceable 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 30, 2014

Residential Tenancy Branch

