



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, RR, RP, LAT

Introduction

The tenant applied for:

- (i) an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the *Residential Tenancy Act* (the “Act”);
- (ii) an order to reduce rent for repairs, services or facilities agreed upon but not provided under section 65 of the Act;
- (iii) an order for repairs to be made to the unit, site or property under section 32 of the Act; and
- (iv) authorization to change the locks to the rental unit under section 31 of the Act.

Preliminary Issue – Amendment to tenant’s name

The tenant corrected the tenant’s name. Pursuant to section 64(3)(a) of the Act, I amend the application to the correct name of the tenant.

Issues

1. Is the tenant entitled to an order cancelling the Notice?
2. If not, is the landlord entitled to an order of possession?
3. Is the tenant entitled to an order to reduce rent?
4. Is the tenant entitled to an order for repairs to be made?
5. Is the tenant entitled to an order to change the locks to the rental unit?

Background and Evidence

In reaching this decision, I have considered all relevant evidence that complied with the *Rules of Procedure*. Only the necessary oral and documentary evidence that helped resolve the issues of the dispute and explain the decision is included below.

The tenancy began September 28, 2022. Rent is \$375.00 due on the first day of the month. There is a copy of the written tenancy agreement in evidence.

The landlord served the Notice on February 10, 2023 by delivering to the tenant in person, who was there to receive it. Page two of the Notice indicates that the tenant did not pay rent in the amount of \$375.00 that was due on October 1, 2022. All pages of the Notice were served and submitted into evidence.

The landlord affirmed receiving money from the tenant for the unpaid rent on February 17, 2023 which is after the 5 day dispute deadline. The landlord affirmed that the tenant is currently \$375.00 in arrears for April 2023.

The tenant affirmed their rent is paid directly by income support and the tenant only realised there were issues with the rental payments when the tenant received the Notice.

Analysis

Section 26 of the Act requires tenants to pay rent the day it is due unless they have a legal right to withhold rent. Section 46(1) of the Act allows landlords to end a tenancy with a *10 Day Notice to End Tenancy for Unpaid Rent* on any day after the day rent is due.

The tenant acknowledges receiving the Notice from the landlord on February 10, 2023. I've reviewed the Notice and it complies with the form and content requirements of section 52 of the Act.

The landlord's evidence shows that the tenant did not pay the October 2022 rent until February 17, 2023, 7 days after receiving the Notice. The tenant did not dispute this timeline.

To cancel the Notice, the tenant had to pay the overdue rent within 5 days of receiving the Notice. Since the tenant did not do this, the tenant's claim to cancel the Notice is dismissed and the tenancy has ended. Under section 55(1) of the Act, the landlord is

granted an order of possession which is attached to this decision and must be served on the tenant.

Since the application relates to a section 46 notice to end tenancy, the landlord is entitled to an order for unpaid rent under section 55(1.1) of the Act. Therefore, the landlord is granted a monetary order for \$375.00 which is attached to this decision and must be served on the tenant.

The tenant's other claims relate to their ongoing possession of the rental unit. I dismiss these remaining claims because the tenancy has ended.

Conclusion

The landlord is awarded an order of possession and a monetary order for unpaid rent in the amount of \$375.00.

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 26, 2023

Residential Tenancy Branch