



Dispute Resolution Services

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

Decision

Dispute Codes: CNR FF

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for unpaid rent. Both the tenant and the landlord's agent appeared in the teleconference hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

If so, is the landlord entitled to an order of possession?

Background and Evidence

The tenancy agreement indicates that the tenancy was to begin on November 15, 2008, with monthly rent in the amount of \$675. After signing the tenancy agreement, the tenant realized he would not be able to move in right away, but he had no way of contacting the landlord. The tenant did not move in until December 1, 2008, and he has not had access to the storage or parking that were to be included. The tenant has also incurred costs that he felt the landlord was responsible for. The tenant did not pay any rent for the second half of November 2008 or for December 2008, and on December 18, 2008 the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant has not, as of the hearing date, made any rent payment.

In the hearing, the landlord made an oral request for an order of possession.

Analysis

The tenant did not pay the rent and did not have any grounds to withhold the rent. I therefore find that the notice to end tenancy is valid and the tenancy ended on the effective date of the notice.

Under section 55 of the Act, if a tenant is unsuccessful in disputing a notice to end tenancy, and the landlord makes an oral request for an order of possession in the hearing, I must grant the order of possession.

Conclusion

I grant the landlord an order of possession. 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.

As the tenant's application was not successful, he is not entitled to recovery of the filing fee for the cost of his application.

Dated January 26, 2009.