



Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: *CNR*

Introduction

This hearing dealt with an application by the tenant for an order to cancel the notice to end tenancy for unpaid rent, pursuant to Section 46 of the *Residential Tenancy Act*.

The tenant who is the applicant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing, a decision has been reached.

Issues

Does the landlord have cause to end tenancy?

Background and Evidence

Based on the undisputed sworn testimony of the landlord the facts are as follows:

The tenancy began on December 12, 2008 and the monthly rent was set at \$850.00. The tenant paid rent for December 2008, but failed to pay rent for January 2009. The landlord served the tenant with a ten notice to end tenancy on January 23, 2009. The tenant applied for dispute resolution on January 28, 2009 and paid partial rent in the amount of \$800.00 on January 29, 2009. Hence the tenant owes the landlord \$50.00 for January 2009 and full rent for February and March 2009. The tenant is currently in occupation of the dispute suite

Analysis

Based on the undisputed testimony of the landlord, I find that the tenant owes rent for January (\$50.00), February (\$850.00) and March (\$850.00). Pursuant to section 46 of the *Residential Tenancy Act*; the landlord may give notice to the tenant to end the tenancy if rent is unpaid on any day after the day it is due.

Accordingly, the notice to end tenancy is upheld and the tenant's application to cancel the notice to end tenancy is dismissed.

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 effective two days after service on the tenant. 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.

Conclusion

The notice to end tenancy is upheld and the tenant's application to cancel the notice to end tenancy is dismissed. The landlord is granted an order of possession effective two days after service on the tenant.

Dated March 11, 2009.

Dispute Resolution Officer