



# 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. The tenant and an agent for the landlord participated in the teleconference hearing.

## Issue(s) to be Decided

Is the notice to end tenancy valid?

## Background and Evidence

The tenancy began on March 1, 2003. On January 20, 2009 the landlord gave the tenant a notice, in the prescribed form, of a rent increase from \$1455 to \$1508, effective May 1, 2009. On May 1, 2009 the tenant paid rent of \$1455. On May 6, 2009 the landlord served the tenant a notice to end tenancy for unpaid rent. The tenant did not pay the balance of \$53.

The testimony of the tenant was that he did not pay the increase because he has been in dispute with the landlord regarding a previous notice to end tenancy for landlord's use, and because the landlord has refused to carry out required maintenance and repairs. In a previous application the tenant applied to cancel a notice to end tenancy for landlord's use; however, he did not on the previous or current application apply for an order for repairs, a reduction in rent, or to dispute the rent increase.

## Analysis

The landlord issued the tenant a valid notice of rent increase, and the tenant refused to pay the increase without an order allowing him to withhold a portion of the rent. I therefore find that the notice to end tenancy for unpaid rent is valid. The landlord's agent stated in the hearing that they sought to end the tenancy through eviction based on the notice. The landlord is therefore entitled to an order of possession.

### Conclusion

The tenant's application is dismissed, and the tenant is not entitled to recovery of the filing fee for the cost of his application.

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.

Dated May 27, 2009.