

Dispute Resolution Services

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

Decision

Dispute Codes: CNR, OPT

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy and an order of possession. Both parties participated in the conference call hearing and had opportunity to be heard.

Issue(s) to be Decided

Does the landlord have grounds to end the tenancy?

Background and Evidence

The parties agreed that the tenant did not pay rent when it was due on the first day of March and further agreed that on March 2 the tenant was served with a 10-day notice to end tenancy for unpaid rent. The tenant testified that he was unable to pay the rent due to financial difficulties.

Analysis

There is no provision in the Act whereby a tenant may be relieved of his obligation to pay rent because of financial difficulties. I find that the landlord has grounds to end the tenancy for unpaid rent and accordingly I dismiss the tenant's application to set aside the notice to end tenancy and request for an order of possession.

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, 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.

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 tenant's application is dismissed. The landlord is granted an order of possession.

Dated May 06, 2009.