



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR OP

This hearing dealt with (a) an application by the tenant for an order setting aside the landlord's Notice to End Tenancy dated November 10, 2009 and an order that the landlord make repairs to the rental unit. Both parties attended the hearing and had an opportunity to be heard.

At the outset of the hearing the landlord made an oral request for an order of possession in the event the tenant's application was not successful.

The facts before me are as follows. The landlord served the tenant with a ten day Notice to End Tenancy sent by regular mail on November 10, 2009. The tenant disputed the Notice on November 17, 2009. At the hearing Ms. L testified that she was behind in the rental payments but that she was holding back rent because she was not happy with certain aspects of the rental unit. In particular Ms. L testified that she was not happy with the tenants who lived in the lower level of the residential property.

Based on the above facts, I dismiss the tenant's application for an order setting aside the landlord's Notice to End Tenancy and grant the landlord an order of possession. Regardless of whether the tenant was unhappy with the condition of the rental unit or the tenants downstairs, she was still legally obliged to pay the full rent on the first day of each month. The order of possession is effective December 31, 2009. The order may be filed in the Supreme Court and enforced as an order of that Court.

Given that this tenancy will be coming to an end, I dismiss the tenant's application for an order that the landlord make repairs.