



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNC

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request to set aside a Notice to End Tenancy which was given for non-payment of rent.

Background and Evidence

The applicant testified that:

- She does not dispute that there is rent outstanding however it was due to circumstances beyond her control.
- She had been cut off welfare and did not have a job and therefore was unable to pay the full amount of rent owed.
- She now has a job and therefore is able to pay the full rent when it's due on the beginning of each month and is able to pay a further \$200.00 per month on the 15th of each month until the back rent of \$1000.00 is fully paid.

The applicant is therefore requesting that the Notice to End Tenancy be cancelled and that she be allowed to make payments.

The respondent testified that:

- At this time there is \$1000.00 in outstanding rent, and the December rent of \$950.00 is also now due.
- He is not willing to accept the tenants request to make payments as he does not believe that she will make the payments as promised.
- This is gone on too long and he is falling behind on his mortgage payments.

The landlord is therefore requesting that the Notice to End Tenancy be upheld and that an Order of Possession be issued for as soon as possible.

Analysis

The tenant has admitted that there is \$1000.00 in outstanding rent at this time, and when the tenant is late paying the rent the landlord does have the right to give a Notice to End Tenancy. I have no authority to cancel that Notice to End Tenancy unless the tenant can show that the rent has actually been paid.

Therefore since the landlord is not willing to accept a payment plan and allow the tenancy to continue, this tenancy will end.

Conclusion

This application is dismissed in full without leave to reapply and I have issued an Order of Possession to the landlord for 12 noon on December 19, 2009.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: December 11, 2009.

Dispute Resolution Officer