



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, MT, OPR, MNR, FF

Introduction

Some 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 and their witnesses the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties and the witnesses.

All testimony was taken under affirmation.

Issues(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The tenants application is a request to have a Notice to End Tenancy cancelled, and the landlords application is a request for an order possession based on that Notice to End Tenancy and for a monetary order for \$3000.00. The landlord is also requesting that the tenants bear the \$50.00 cost of the filing fee that was paid for their application for dispute resolution

Decision and reasons

The tenant(s) have failed to comply with a Notice to End Tenancy and rent in the amount of \$5,000.00 is still outstanding to date. The tenant has requested that the



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Notice to End Tenancy be canceled, because they feel they can pay an extra \$400.00 per month on top of the rent until they are all caught up however the landlords are not willing to wait any longer.

Is my decision that this rent is well overdue and I am not willing to cancel the Notice to End Tenancy.

Therefore the tenant's application is dismissed and, pursuant to Section 55, I have issued an order of possession to the landlords for three days after service on the respondents.

The landlord(s) is given a formal Order of Possession.

I further Order pursuant to Section 67 that the respondent(s) pay to the applicant(s) the sum of:

Outstanding rent as of December 1, 2009	\$3000.00
Filing fee	\$50.00
Total	\$3050.00

Although there is \$5,000.00 outstanding at this time, the landlords only applied for \$3000 on their application for dispute resolution and therefore that is all I have ordered. The landlords can file and other application for the remainder of the outstanding rent.

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: January 18, 2010.

Dispute Resolution Officer