



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes      CNR

### Introduction

This hearing dealt with the tenant's Application for Dispute Resolution to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the tenant and the landlord's agent.

### Issues(s) to be Decided

The issues to be decided are whether the tenant is entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Sections 46 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The tenancy began in February 2009 as a 1 year fixed term tenancy with a monthly rent of \$1,050.00 due on the 1<sup>st</sup> of the month; a security deposit of \$525.00 was paid on February 1, 2009.

The tenant submitted a copy of a 10 Day Notice to End Tenancy for Unpaid Rent dated January 2, 2010 with an effective vacancy date of January 12, 2010 due to unpaid rent in the amount of \$2,045.00.

The tenant testified at the outset of the hearing that he was not going to dispute the notice. The landlord confirmed that the arrears had increased to \$3,095.00 for the month of February, 2010. The landlord requested an order of possession in the hearing.

### Analysis

During the hearing, I mistakenly advised the parties that I would be issuing monetary orders for the outstanding rent. I failed to note that the application had been made by the tenant to cancel the notice; as such I have no authority to issue monetary orders for unpaid rent and no such orders will be granted resulting from this hearing. The landlord is free to make an Application for Dispute Resolution to claim for the rental arrears.

As the tenant is not disputing the 10 Day Notice to End Tenancy for Unpaid Rent issued on January 2, 2010, I dismiss the tenant's application without leave to reapply.

Section 55 of the *Act* states that if a tenant makes an application to dispute a notice to end a tenancy and the landlord requests an order of possession and the tenant's application is dismissed, I must grant an order of possession.

### Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenant**. This order must be served on the tenant and may be filed in the Supreme Court and enforced as an order of that Court.

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: February 12, 2010.

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Dispute Resolution Officer