

DECISION

Dispute Codes: MT, CNC

Introduction

This is the Tenant's application to be allowed more time to apply to cancel a Notice to End Tenancy; and to cancel a Notice to End Tenancy for Unpaid Rent issued March 2, 2010.

I reviewed the evidence provided prior to the Hearing. The parties gave affirmed testimony and this matter proceeded on its merits.

Preliminary Matter

The Tenant testified that he received the Notice to End Tenancy on March 2, 2010. The Tenant testified that he was in hospital on March 5, 2010, and was unable to file his application until March 9, 2010. I granted the Tenant's application to be allowed more time to file his Application, and we proceeded with the Hearing.

Issue to be Determined

Should the Notice to End Tenancy for Unpaid Rent be cancelled?

Background and Evidence

The Tenant testified that he was moving out of the rental unit within a couple of days. He stated that he did owe rent, but did not agree with the amount the Landlord is claiming he owes. He stated that the Landlord did not give him receipts for rent paid in cash, and therefore he could not prove how much rent he paid.

The Landlord's agent testified that the Tenant was provided with receipts for all rent payments. The Landlord's agent asked for an Order of Possession in case the Tenant did not move out of the rental unit within a couple of days.

Analysis

This is the Tenant's application to cancel the Notice to End Tenancy for Unpaid Rent. The Tenant agreed that he is in arrears for rent. Therefore, the Tenant's application is dismissed.

Section 55(1) of the Act states:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

The Landlord's agent requested an Order of Possession. Therefore, pursuant to the provisions of Section 55(1) of the Act, I hereby provide the Landlord with an Order of Possession **effective 2 days after service of the Order on the Tenant.**

Conclusion

I hereby grant the Landlord an Order of Possession **effective two days from service on the Tenant.** This Order must be served on the Tenant and may be filed in the Supreme Court of British Columbia 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.

April 26, 2010