



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes MT, CNR, MNR, MNDC, RP, OPT, O

Introduction

This hearing was convened in response to an application filed by the tenant seeking:

1. More time to make this application;
2. An Order cancelling a Notice to End Tenancy given for unpaid rent;
3. An monetary order for compensation for loss;
4. An Order that the landlord make repairs; and
5. Other.

Both parties appeared at the hearing of this matter and gave evidence under oath.

Issue(s) to be Decided

Is the tenant entitled to the Orders sought?

Background and Evidence

The tenant testified that she was served with a 10 day Notice to End Tenancy on December 13, 2010 with an effective date of December 23, 2010. The tenant filed her application to dispute the notice on December 16, 2010. The tenant testified that she made the application for more time believing she was making an application for more time to pay the rental arrears which she admits remain owing. The tenant testified that she is packing but cannot vacate until the end of the month. The tenant testified that all the repairs are made and she withdraws her application for repairs and compensation.

The landlord testified that the tenant has not paid rent or utilities for December or January. The landlord says he knows that the tenant has been ill and he can allow her to remain until January 31, 2011 but he would like an Order of Possession for that date. The landlord says he will have to make an application for recovery of the rental arrears.

Analysis

The tenant's application for more time to make this application is unnecessary because her application was filed within the appropriate time to allow me to consider her application. Further, the tenant believed she was making an application seeking more



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time to pay the rental arrears which is not the purpose of a “more time” application therefore the application is dismissed.

The evidence of both parties is that there is outstanding rent. Because there are rental arrears I dismiss the tenant’s application to cancel the notice given for unpaid rent.

The landlord has requested an Order of Possession and as I have upheld the Notice I will grant that Order effective January 31, 2011 at 1 o’clock in the afternoon.

The landlord remains at liberty to make application seeking a monetary order for recovery of the rental arrears.

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.