

DECISION

Dispute Codes CNR, MNR, MT, O

Introduction

Some documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on February 18, 2011, but did not join the conference call that was set up for the hearing. The registered mail was returned to the applicant and had been marked "refused by addressee" by Canada Post.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application to cancel a Notice to End Tenancy and a request for a monetary order for \$500.00 to do emergency repairs.

Background and Evidence

The applicant testified:

- She has rent outstanding totalling \$900.00.
- She received a 10 day Notice to End Tenancy on February 10, 2011 stating that \$900.00 rent was outstanding.
- She attempted to pay \$400.00 of the outstanding rent on February 17, 2011 however the landlord refused to accept that money stating he wanted the full \$900.00.
- At this time she is unable to afford the full amount owed to the landlord.
- Her door was damaged by the landlord and he is refused to repair it, and therefore she is requesting \$500.00 to make an emergency repair of the door.

The applicant is requesting that this Notice to End Tenancy be cancelled, and that she be paid \$500.00.

Analysis

Is my decision that I will not set aside the Notice to End Tenancy, because the tenant did not attempt to pay the full amount of outstanding rent within the five day grace period.

If a tenant is given a 10 day Notice to End Tenancy for non-payment of rent, the tenant has five days in which to either pay the full amount of outstanding rent, or file a dispute of that notice. In this case the tenant did file a dispute of the notice, however since there is \$900.00 in rent outstanding, and she has only offered to pay \$400.00, and is unable to pay the remainder I am not willing to cancel the Notice to End Tenancy.

Therefore it since the tenant should be vacating pursuant to the Notice to End Tenancy, I will not issue an order for emergency repairs to the door of the rental unit.

Conclusion

The tenant's application is dismissed in full without leave to reapply.

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 25, 2011.

Residential Tenancy Branch