



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: CNR, MNDC

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for orders as follows:

1. To cancel a Notice to End Tenancy given for unpaid rent or utilities pursuant to Section 46;
2. A monetary Order for compensation for damage or loss in the sum of \$1,163.25; and
3. An order to recover the filing fee paid for this application pursuant to Section 72.

I accept that the landlord was properly served with the Application for Dispute Resolution hearing package.

Both parties appeared and gave affirmed evidence.

Background, Analysis and Findings

The tenant admits that he has not paid February's rent in the sum of \$1,400.00. The tenant submits that he was not served with the 10 day Notice to End Tenancy. In his application for dispute resolution the tenant says he did not receive the 10 day Notice to End Tenancy posted to the door. The tenant says he is not paying his rent, in his application for dispute resolution the tenant says he is not paying it because he is owed for the cost of movers who moved his belongings into storage and back to the rental unit based on an illegal eviction despite the fact that rent was paid.

Findings

The tenant has supplied insufficient evidence to support his claim for a monetary award. It is therefore dismissed.

Order of Possession

The tenant admits he has not paid February's rent. His application to cancel the Notice to End Tenancy is therefore dismissed. When a tenant makes application to cancel a notice to end tenancy given for cause and the application is dismissed and the landlord requests an Order of Possession, the landlord is entitled to receive that Order.

The landlord remains at liberty to make application for a monetary order for rental arrears, compensation or damage.

Conclusion

The landlord is provided with an Order of Possession effective 2 days after service. Should the tenant fail to comply with this Order the Order may be enforced as an Order of the Supreme Court of British Columbia.

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*.