



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC, CNR

Introduction

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

1. To cancel Notices to End Tenancy given for unpaid rent or utilities and for cause.

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

Both parties appeared and gave evidence under oath.

Issue

Is there rent owing? If not, does the landlord have other cause to end this tenancy?

Background, Analysis and Findings

The tenant admits she has not paid rent, her application to cancel the Notice to End Tenancy given for unpaid rent is therefore dismissed with the effect that this tenancy ended on the date set out in the Notice that is May 30, 2011.

Order of Possession

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 has requested testified that the tenant has not paid all of her rent due for April, May or June 2011 and she requests that the Order of Possession take effect immediately. I will issue the Order of Possession to be effective 2 days after service on the tenant.

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

Application to Cancel Notice to End Tenancy Given for Cause

As this tenancy is ending based on the Notice to End Tenancy for unpaid rent, the tenant's application seeking the Cancel the Notice to End Tenancy for Cause is dismissed.

Conclusion

The landlord is provided with an Order of Possession effective two days after service on the tenants. Should the tenants 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*.