



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

CNR, MNDC, RP, RR, FF

### Introduction

This hearing was held in response to the tenant's Application for Dispute Resolution in which the tenants have applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, compensation for damage or loss under the Act, an order the landlord make repairs, that the tenants be allowed to reduce the rent and return of the filing fee costs.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

### Preliminary Matters

In the course of this proceeding and upon review of the tenant's application, I determined that I would not deal with all the dispute issues the tenant placed on their application. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue to be dealt with together. Therefore, I dealt with the tenant's request to set aside, or cancel the landlord's Notice to End Tenancy for unpaid rent, and I dismissed the balance of the tenant's claim with liberty to re-apply. The tenants confirmed the most pressing matter was the Notice ending tenancy.

### Issue(s) to be Decided

Should the 10 Day Notice to End Tenancy for Unpaid Rent issued on June 02, 2011, be cancelled?

Are the tenants entitled to filing fee costs?

### Background and Evidence

The tenancy commenced 15 months ago; rent is \$1,200.00 due on the first day of each month.

The tenants were served a copy of the Notice ending tenancy on June 05, 2011, after the landlord posted the Notice to the door on June 02, 2011. The Notice stated that the tenants had 5 days to pay the rent or to dispute the Notice; the tenants disputed the Notice on June 06, 2011. The Notice indicated that the tenants must vacate the rental unit by June 12, 2011.

The tenants confirmed they have not paid rent for May or June, 2011.

### Analysis

After considering all of the written and oral evidence submitted at this hearing, I find that the tenants have not paid rent owed and that the Notice issued on June 02, 2011, is of full force and effect.

### Conclusion

I have determined that the tenant has failed to pay rent I find that the 10 Day Notice to End Tenancy for Unpaid Rent issued on June 02, 2011, is of full force and effect.

The tenant's application is dismissed.

The balance of the application has been severed and the tenant's are at liberty 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: June 28, 2011.

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Residential Tenancy Branch