



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy. Both parties participated in the conference call hearing.

Issue to be Decided

Should the notice to end tenancy be set aside?

Background and Evidence

The parties agreed that on May 10, 2011 the tenant was served with a 10-day notice to end tenancy for unpaid rent. The tenant acknowledged that in the months of April and May 2011 he did not pay the \$1,150.00 in rent that was owing for each of those months. The tenant explained that he had been robbed and had intended to pay his rent.

Analysis

There is no provision under the Act whereby I can grant the tenant an extension of time in which to pay rent. Section 26(1) of the Act requires tenants to pay rent on the date on which it is due, which in this case was on the first day of each month. I find that the tenant did not meet his obligation to pay rent and accordingly find that the landlord has established grounds to end the tenancy. I therefore dismiss the tenant's claim.

During the hearing the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly I so order. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Conclusion

The tenant's claim is dismissed and the landlord is granted an order of possession.

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 09, 2011

Residential Tenancy Branch