



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

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

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request to cancel a 10 day Notice to End Tenancy that was given for non-payment of rent.

Background and Evidence

The tenant did not pay the full July 2011 rent, and therefore on July 28, 2011 the tenant was personally served with a 10 day Notice to End Tenancy for non-payment of rent.

The applicant testified that:

- He was unable to pay the full rent because his roommate moved out without paying his portion of the rent.

- He has now been able to find a new roommate who is willing to move in right away and therefore he will be able to pay the outstanding rent, but he will not have the September 2011 rent available for September 1.
- He is therefore asking to have the 10 day notice cancelled and to have the tenancy continue.

The landlords testified that:

- When the Notice to End Tenancy was given in July 2011 there was \$497.50 in rent outstanding.
- Now there is a total of \$1107.82 rent outstanding.
- The tenant has not approached them in any way to work out any kind of payment plan.
- Since there is so much rent outstanding and the tenant has no plan in place to pay back this outstanding rent, they are requesting an Order of Possession for as soon as possible.

Analysis

It is my decision that there are no grounds for me to set this Notice to End Tenancy aside because, not only is there rent still outstanding for July 2011, there is now substantially more rent outstanding.

It is also my finding that the landlords have the right to an Order of Possession based on the Notice to End Tenancy that was given in July of 2011.

Conclusion

The tenant's application is dismissed in full without leave to reapply, and I have issued an Order of Possession to the landlord's that is enforceable two days after service on the tenant.

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: August 29, 2011.

Residential Tenancy Branch