



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, PSF, RR, O

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy, an order that the landlord provide services and an order permitting her to reduce her rent. Both parties participated in the conference call hearing.

Issues to be Decided

Should the notice to end tenancy be set aside?
Should the landlord be ordered to provide services?
Should the tenant be permitted to reduce her rent?

Background and Evidence

The parties agreed that the tenant is obligated to pay \$1,300.00 in rent on the first day of each month and that she did not pay rent in the month of August. The tenant testified that she received a 10 day notice to end tenancy for unpaid rent on August 3 while the landlord testified that the notice was served on August 2.

The tenant testified that she had advised the landlord that she didn't have rent on August 1st so she asked the landlord to come at a later date to accept rent and the landlord agreed to do so. The landlord testified that she repeatedly attended the rental unit to receive rent but the tenant continually put her off. As of the date of the hearing, rent had still not been paid.

Analysis

I find that the tenant was obligated to pay rent in full on the first day of the month and that she failed to do so. Although the landlord agreed to return to collect rent, I find it more likely than not that she did so not because she intended to excuse the tenant from paying rent on time, but because she was willing to do whatever was necessary to collect rent. I therefore decline to set aside the notice to end tenancy and I find that the tenancy ended on the effective date of the notice. As the tenancy is over, it is

unnecessary to address the tenant's claims for other orders. The tenant's application is dismissed in its entirety.

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, 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: September 09, 2011

Residential Tenancy Branch