



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

**Dispute Codes:**    CNR, OLC

### **Introduction**

This hearing dealt with an application by the tenant to cancel the Ten-Day Notice to End Tenancy for Unpaid Rent issued on September 19, 2011 and an order to force the landlord to comply with the Act.

Both parties appeared and each gave testimony.

### **Issue(s) to be Decided**

The issues to be determined for the tenant's application, based on the testimony and the evidence is whether or not the Ten-Day Notice to End Tenancy for Unpaid Rent dated August 1, 2009 should be cancelled.

The burden of proof is on the landlord to establish that the Ten-Day Notice or the One-Month Notice was justified.

### **Background and Evidence**

The tenancy began on July 1, 2011 and a security deposit of \$325.00 was paid. The rent was set at \$750.00 for the two co-tenants.

The landlord testified that tenant did not pay all of the rent owed for September 2011. The tenant acknowledged that only her half of the rent was paid and her co-tenant's half was not paid. However, the tenant testified that the landlord had confiscated her co-tenant's mail containing his cheque from social services and had sent it back to the Ministry.

The landlord acknowledged that the mail was returned, but stated that this occurred after the co-tenant had already moved out of the unit.

### **Analysis**

A mediated discussion ensued and the parties agreed to end the tenancy by consent on October 31, 2011. .

**Conclusion**

I hereby issue an Order of Possession in favour of the landlord effective Monday, October 31, 2011 at 1:00 p.m. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

The remainder of the tenant's application is dismissed without leave 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: October 20, 2011.

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Residential Tenancy Branch