



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 in the amount of \$985.45.

Background and Evidence

On January 2, 2012 the tenants were served with a 10 day Notice to End Tenancy for non-payment of rent by hand.

On January 9, 2012 the tenants filed a dispute of that notice.

The tenant testified that the full amount of rent claimed by the landlord is outstanding however it's because they decided to withhold the rent to try and force the landlord to do repairs they believe are required in the rental unit.

The landlord testified that he is willing to allow the tenancy continued if the full amount rent is paid, however if not he wants an Order of Possession.

Analysis

It is my finding that the tenants did not have the authority to withhold the rent. The tenants did they have any order from a Dispute Resolution Officer allowing them to withhold rent.

Further the tenants have not paid for an emergency repairs or supplied the landlord with receipts for any emergency repairs that would allow them to withhold the rent.

Therefore I will not set this Notice to End Tenancy aside especially since the application for dispute resolution was also filed outside the five day time limit.

Conclusion

This application is dismissed without leave to reapply and have issued an Order of Possession to the landlord that is enforceable two days after service on the tenants.

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: January 25, 2012.

Residential Tenancy Branch