



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, CNC, CNR, MNDC, RP, RR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order and a cross-application by the tenant for an order setting aside notices to end this tenancy, a monetary order, an order compelling the landlord to perform repairs and an order permitting her to reduce her rent. Both parties participated in the conference call hearing.

At the hearing, the tenant advised that she wished to withdraw her monetary claim as the hearing had been scheduled so quickly, she had not had opportunity to gather and submit her evidence. I permitted the claim to be withdrawn and the hearing proceeded to address the balance of the tenant's claims and the landlord's claims.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order as claimed?

Is the tenant entitled to an order compelling the landlord to perform repairs?

Is the tenant entitled to an order permitting her to reduce her rent?

Background and Evidence

The facts were not in dispute. They agreed that on January 26, 2012 the tenant was served with a one month notice to end tenancy for cause and that on February 4, 2012 she received a 10-day notice to end tenancy for unpaid rent. They further agreed that she was obligated to pay \$400.00 in rent for the month of February and that she did not pay that rent.

The tenant filed her application to dispute both notices on February 15, 2012.

Analysis

Section 47(5) of the Act provides that when a tenant receives a one month notice to end tenancy, she must dispute the notice within 10 days or she is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Section 45(5) has a similar provision which states that a 10-day notice must be disputed within 5 days. As the tenant did not dispute either notice within the prescribed time frame, I find that her tenancy has ended. I therefore grant the landlord an order of possession. The tenant must be served with the order. If she fails to comply with the order, it may be filed in the Supreme Court and enforced as an order of that Court.

As for the landlord's monetary claim, I find that the landlord is entitled to recover the unpaid rent for February and I grant her a monetary order under section 67 for \$450.00 which represents both unpaid rent and the \$50.00 filing fee paid to bring her application. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenant's claim for an order setting aside the notices is dismissed. As the tenancy is ending, it is unnecessary to address the claim for an order compelling the landlord to perform repairs or an order permitting her to reduce her rent and accordingly I dismiss those claims as well.

Conclusion

The landlord is granted an order of possession and a monetary order for \$450.00. The tenant's application is dismissed in its entirety.

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: February 27, 2012

Residential Tenancy Branch