



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for unpaid rent.

Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the tenant entitled to any of the above under the Act.

Background and Evidence

On March 10, 2012 the landlord served the tenant with a 10 day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant gave notice in January 2012 to vacate the rental unit effective February 29, 2012 however when the tenant vacated the rental unit, his wife and daughter remained in the rental unit. The landlord stated that when the March 2012 rent was not paid the landlord served the tenant with the notice to end tenancy for unpaid rent.

The landlord stated that he had been asked by a number of agencies to allow the tenant's wife and daughter to remain in the rental unit, as because of their immigration status they do not qualify for any type of assistance or emergency housing. The landlord stated that the April 2012 rent has not been paid and he cannot afford to allow the tenant's wife and daughter to continue occupy the rental unit and not pay rent.

The landlord per section 55 of the Residential Tenancy Act verbally requested an order of possession for the rental unit and agreed to end the tenancy on April 20, 2012 so that the tenant's wife and daughter had time to find alternate housing.

Analysis

Based on the documentary evidence and testimony of the parties I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice but did apply for dispute resolution to dispute the notice. However as the rent remains unpaid the landlord has grounds to have the notice to end tenancy upheld. Based on the above facts I find that the landlord is entitled to an order of possession

The tenant's application is hereby dismissed without leave to reapply with the resulting effect that the tenancy will end on April 20, 2012 at 1:00 PM.

Conclusion

The tenant's application is hereby dismissed without leave to reapply with the resulting effect that the tenancy will end on **April 20, 2012 at 1:00 PM.**

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: April 3, 2012

Residential Tenancy Branch