



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, FF, 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 decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, and a request for a monetary order for \$600.00 in outstanding rent. The landlord is also requesting recovery of the \$50.00 filing fee.

The tenant's application is a request for an order cancelling a Notice to End Tenancy that was given for non-payment of rent.

Background and Evidence

On March 10, 2012 the landlord posted a 10 day Notice to End Tenancy for non-payment of rent which stated that March rent in the amount of \$600.00 had not been paid.

The tenant testified that:

- On February 26, 2012 she paid the landlord the full March rent in the amount of \$600.00.
- Six \$100 bills were placed in an envelope and handed to the landlord.
- Her son was with her when she paid the rent and he saw her hand an envelope to the landlord. (Written statement included).
- The landlord did not give her a receipt.
- She has no bank record either, because she just cashed her paycheque and took the cash to pay the landlord.

The landlord testified that:

- The tenant did not give him an envelope with \$600.00 cash on February 26, 2012.
- The tenant has not paid any rent for the month of March 2012 and the full amount is still outstanding.
- The tenant never came to his door in the month of February to pay any rent.
- He is therefore requesting an Order of Possession for as soon as possible and an order for the outstanding rent of \$600.00 plus a filing fee of \$50.00, for a total of \$650.00.

Analysis

It is my finding that the full March 2012 rent is still outstanding.

The tenant claims to have paid the rent in cash; however she has insufficient evidence to show that she ever paid the landlord the March 2012 rent.

Even the letter from her son simply states that he saw his mother hand an envelope to the landlord; it does not state that he saw what was in the envelope.

I accept the landlord's testimony that the tenant has not paid any rent for the month of March 2012.

Conclusion

Tenant's application

The tenant's application to cancel a Notice to End Tenancy is dismissed in full without leave to reapply.

I further order that the tenant pay the filing fee of \$50.00, which was previously waived, to the director of the Residential Tenancy Branch.

Landlord's application

I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

I have issued a monetary order in the amount of \$650.00.

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 03, 2012.

Residential Tenancy Branch