



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* for orders as follows:

1. To cancel a Notice to End Tenancy given for unpaid rent or utilities pursuant to Section 46; and
2. An order to recover the filing fee paid for this application pursuant to Section 72.

I accept that the landlord was properly served with the Application for Dispute Resolution hearing package.

Both parties appeared and gave evidence under oath.

Background and Findings

The tenant admits she has not paid all of the rent requested in the Notice to End Tenancy given on May 2, 2012. The tenant says she intends to move but just needs until the end of the month.

The evidence is that the tenant has not paid all of the rent due. The tenant therefore had had no grounds to dispute the Notice to End Tenancy given for unpaid rent.

I therefore dismiss the tenant's application seeking to cancel the Notice to End Tenancy given for unpaid rent.

When a tenant makes application to cancel a notice to end tenancy given for unpaid rent and the application is dismissed and the landlord requests an Order of Possession, the landlord is entitled to receive that Order.

As the effective date on the Notice to End Tenancy has passed, an Order of Possession will be issued effective immediately. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

As there is no application before me from the landlord to recover the rental arrears the landlord remains at liberty to make application for those arrears and any subsequent arrears or loss of rental revenue as may be necessary.

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: May 29, 2012.

Residential Tenancy Branch