



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MND, MNSD, FF

Introduction

Some documentary evidence, photo 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

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application. For claims to be combined on an application they must related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the request to cancel a Notice to End Tenancy, and I dismiss the monetary claim, with liberty to re-apply.

Background and Evidence

On May 2, 2012 the applicant was served with a 10 day Notice to End Tenancy for failing to pay her May 2012 rent in the amount of \$1495.00.

The applicant testified that:

- She has not paid her May 2012 rent because she has a large B.C. Hydro bill to pay and cannot afford to pay both.
- She does not think she should be held responsible for the full B.C. Hydro bill, because there was an electrical cable plugged into her house.
- She is therefore requesting that the Notice to End Tenancy be cancelled.

The respondent testified that:

- The cable that was plugged into the side of the tenant's house is not an electrical cable; it is a Cablevision cable and therefore does not draw any electricity.
- The tenant has not paid any of the electrical bills since November 2011 and that is why electrical bill is so high.
- They want this Notice to End Tenancy to be upheld and requested an Order of Possession be issued for May 31, 2012.

Analysis

The tenant has admitted that she has not paid the May 2012 rent, and therefore I am not willing to cancel the Notice to End Tenancy.

The tenant claims that she has not paid this rent because she has a large Hydro bill to pay, however the tenant still has an obligation to pay her rent even if she has an outstanding Hydro bill.

Conclusion

The request to cancel the Notice to End Tenancy is dismissed and at the request of the landlords I have issued an Order of Possession for 1 p.m. on May 31, 2012.

As stated previously the monetary portion of this application is dismissed with leave to reapply.

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