



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *CNR, LRE, AS, FF*

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. The tenant also applied for an order setting conditions on the landlord's right to enter the rental unit, to allow the tenant to sublet the unit and for the recovery of the filing fee.

Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy? Is the tenant entitled to the order he has applied for and to the recovery of the filing fee?

Background and Evidence

The tenancy began on April 08, 2012 for a fixed term of six months. The rental unit was occupied by two tenants who were named on the lease. One of the tenants moved out on May 06, 2012 and this tenant continued to occupy the rental unit. The tenant stated that even though he was named on the original lease, he did not sign it. He agreed that he did not pay full rent to the landlord and owed \$225.00 for June.

On June 24, 2012, the landlord served the tenant with a ten day notice to end tenancy for nonpayment of rent. The tenant did not pay rent and continued to occupy the rental unit. As of the date of this hearing, the tenant owes the landlord \$225.00 for June and \$775.00 for July.

Analysis:

Based on the sworn testimony of the both parties, I find that the tenant received the notice to end tenancy for unpaid rent, on June 24, 2012 and did not pay rent within five days of receiving the notice to end tenancy. Accordingly, I uphold the notice to end tenancy.

During the hearing, the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Since the tenancy is ending, the tenant's application for an order suspending the landlord's right to enter the unit and allowing him to sublet the rental unit is moot and accordingly dismissed. The tenant has failed to prove his case and must therefore bear the cost of filing this application.

The landlord is at liberty to file her own application for a monetary order for unpaid rent.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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: July 18, 2012.

Residential Tenancy Branch