



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, ERP, MNDC, MNSD, RP

### 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

First of all it is my decision that I will not deal with all the issues that the applicants have 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 Notice to End Tenancy, and I dismiss the remaining monetary claim with liberty to re-apply.

### Background and Evidence

The landlords testified that:

- Rent for this unit is \$980.00 per month and due on the first of each month.
- The tenants failed to pay \$965.67 of the July 2012 rent and therefore on July 11, 2012 a 10 day Notice to End Tenancy was posted on the door.
- To date the tenants have failed to pay any further rent and have failed to comply with the Notice to End Tenancy.
- They therefore request that this application to cancel the notice be dismissed and that an Order of Possession be issued for as soon as possible.

The tenants testified that:

- They withheld the rent to try and force the landlord to do some needed repairs.
- They have now decided to vacate the rental unit anyway, and are virtually out except for some small items.
- They therefore do not dispute the request for an Order of Possession.

### Analysis

Tenants do not have the right to withhold rent to try and force the landlord to do repairs, and therefore I will not be cancelling the Notice to End Tenancy.

Further the tenants have stated that they are vacating the rental unit anyway and do not dispute an Order of Possession.

### Conclusion

The tenant's application to cancel Notice to End Tenancy is dismissed and I have issued an Order of Possession for two days after service on the tenants.

The monetary portion of the tenants claim 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: August 08, 2012.

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Residential Tenancy Branch