



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, CNR, MNDC

Introduction

This hearing was convened in response to applications by the tenant and the landlords.

The tenant's application is seeking an order as follows:

1. To cancel a ten day notice to end tenancy for unpaid rent issued on July 11, 2012.
2. Monetary order for loss under the Act;
3. Make repairs to the unit;
4. Return tenant's personal property; and
5. Allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

The landlords' application is seeking an order as follows:

1. For an order of possession for unpaid rent.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Rule 2.3 of the Residential Tenancy Branch Rules of Procedure authorizes me to dismiss unrelated disputes contained in a single application. In these circumstances the tenant indicated several matters of dispute on the Application for Dispute Resolution, the most urgent of which is the application to set aside the Notice to End Tenancy. I find that not all the claims on the tenant's Application for Dispute Resolution are sufficiently related to be determined during these proceedings. I will, therefore, only consider the tenant's request to set aside the Notice to End Tenancy and the landlords' application to for an order of possession. The balance of the tenant's application is dismissed, with leave to reapply.

Issue(s) to be Decided

Should the ten day notice to end tenancy for unpaid rent issued on July 11, 2012, be cancelled?

Is the landlord entitled to an order of possession?

Background and Evidence

The parties agreed the tenant was served with a notice to end tenancy for non-payment of rent in person on July 11, 2012. The notice informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The tenant testified that she has not paid rent for July 2012.

The landlord seeks an order of possession.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Although the tenant applied to cancel the ten day notice to end tenancy issued on July 11, 2012. I find that there is no merit to the tenant's application. In particular, the tenant admitted that rent was owed when she received the notice and that amount was not paid within the five days required by the Act.

Therefore, I dismiss the tenant's application to cancel the notice to end tenancy.

Conclusion

The tenant's application to cancel the ten day notice to end tenancy issued on July 11, 2012, is dismissed. The landlord is granted an order of possession.

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 15, 2012.

Residential Tenancy Branch