



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

*CNR, CNC, MNDC, OLC, PSF*

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside notices to end tenancy for nonpayment of rent and for cause. The tenant also applied for a monetary order for compensation and for an order directing the landlord to comply with the Act and provide services. 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 compensation and for an order directing the landlord to comply with the Act and provide services?

### **Background and Evidence**

The tenancy began on in March 2004. The monthly rent is \$450.00 and is due on the first of each month. The rental unit is located in the basement. The landlord lives upstairs.

The tenant failed to pay rent for September and on September 05, 2012; the landlord served the tenant with a ten day notice to end tenancy for nonpayment of rent. The tenant paid a portion of the rent on September 14 and the balance of \$75.00 on October 01 along with rent for October. The landlord issued receipts for use and occupancy only.

The tenant applied for compensation for repairs that were required in the rental unit and not done by the landlord. The tenant did not inform the landlord in writing about these repairs prior to the note she gave the landlord on September 02, 2012.

**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 September 05, 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.

The tenant's application for compensation is dismissed because she had the opportunity to apply for dispute resolution and obtain an order directing the landlord to carry out the required repairs. She informed the landlord about these repairs in a note dated September 02, 2012.

Since the tenancy is ending, the balance of the tenant's application is moot and accordingly dismissed.

**Conclusion**

I grant the landlord an order of possession effective on or before 1:00 pm on October 31, 2012.

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: October 04, 2012.

---

Residential Tenancy Branch