



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, CNE CNR

### Introduction

Some documentary evidence and written arguments have 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

This is a request to cancel a notice to end tenancy was given for non-payment of rent.

### Background and Evidence

The landlord testified that:

- He tenant owes \$300.00 rent for the month of October 2012, and \$600.00 rent for the month of November 2012.
- They therefore served a 10 day notice to end tenancy on November 11, 2012.
- Since there is a substantial amount of rent outstanding they are requesting that the notice to end tenancy be upheld and that an order of possession be issued for as soon as possible.

The tenant testified that:

- He believes the amount of rent outstanding is not as much as the landlords are claiming, because he has submitted some invoices for work he did for the landlord.
- He admits there is rent outstanding but he believes there is only a total of \$600.00 rent outstanding at this time.

- He would like to stay in the rental unit and therefore would like the notice to end tenancy canceled and would like to work out a payment plan with the landlords.

### Analysis

The tenant has admitted that there is at least \$600.00 in rent outstanding, and therefore, even if it's not the same amount as is listed on the notice to end tenancy, I will not set this notice aside.

If the tenant has rent outstanding, the landlord has the right to give a notice to end tenancy, and if that rent is not paid, in full, within five days, the tenancy ends pursuant to that notice.

Obviously this rent has not been paid in full and therefore this tenancy will end pursuant to the notice.

### Conclusion

This application to cancel a notice to end tenancy is dismissed and at the request of the landlords I've issued an order of possession for 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: December 18, 2012.

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Residential Tenancy Branch