



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Landlord: OPR, MNR, FF, O

Tenant: CNR, FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution with the landlord seeking an order of possession and a monetary order and the tenant seeking to cancel a notice to end tenancy. The hearing was conducted via teleconference and was attended by the landlord and the tenant.

The landlord had originally named another party as a respondent tenant who had been the original tenant but because that tenant has vacated the rental unit and the landlord has made several verbal changes to the tenancy agreement with agreement of the remaining tenant I find it necessary to amend the landlord's Application to exclude the 2nd named respondent.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the tenant is entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent; and to recover the filing fee from the landlord for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 67, and 72 of the *Act*.

Background and Evidence

The tenancy originally began with the current tenant's mother in September 2010 for a biweekly rent of \$600.00. At one point during the tenancy the current tenant moved into the rental unit with the mother and later the mother moved out of the rental unit.

After the tenant's mother moved out of the rental unit and in July 2011 the landlord agreed to reduce the rent to \$900.00 per month; then in September 2011 to \$350.00 biweekly; and later in July 2012 to \$300.00.

There was a period between May 2012 and July 2012 where the tenant failed to pay rent to the landlord at all but she agreed to allow the tenancy to continue to allow the tenant to find a roommate or to work out paying the arrears. To date no effort to pay of the arrears has been made and as a result the landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent on February 2, 2013.

The tenant acknowledges receipt of the Notice and that he owes the landlord the amount of rent identified of \$1,200.00. The parties also agreed that the tenant had failed to pay the \$300.00 that was due yesterday and I have instructed the tenant to pay this amount to the landlord.

Analysis

Section 46 of the *Act* allows a landlord to end a tenancy if rent is unpaid on any day after the day it is due by giving the tenant notice to end the tenancy effective on a date that is not earlier than 10 days after the date the tenant receives the notice.

Based on the testimony of both parties I find the landlord has established that the tenant owed rent in the amount of \$1,200.00 on the date the Notice to End Tenancy was issued. I also find the landlord is entitled to an additional \$300.00 rent due as of February 27, 2013.

Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$1,550.00** comprised of \$1,500.00 rent owed and the \$50.00 fee paid by the landlord for this application. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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: February 28, 2013