



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL MNR OPR OPL FF

### Introduction

This hearing dealt with applications by the tenant and the landlord. The tenant originally filed her application to dispute a notice to end tenancy for unpaid rent and utilities dated March 9, 2013. The landlord served the tenant with a two-month notice to end tenancy on March 27, 2013 and a second notice to end tenancy for unpaid rent and utilities on April 3, 2013. The landlord applied for an order of possession pursuant to the two month notice to end tenancy and the notice to end tenancy for unpaid rent and utilities dated April 3, 2013. The tenant amended her application to dispute these two new notices, but the landlord did not receive the tenant's amended application prior to the hearing.

I determined that I would only hear evidence on the notice to end tenancy for unpaid rent and utilities dated April 3, 2013, and severed the remainder of both applications.

### Issue(s) to be Decided

Is the notice to end tenancy for unpaid rent and utilities dated April 3, 2013 valid?

### Background and Evidence

The tenant confirmed that on April 3, 2013 she received the notice to end tenancy for unpaid rent and utilities dated April 3, 2013. The landlord acknowledged that he did not give the tenant a written demand for those outstanding utilities cited on the notice, and I informed the landlord that the utilities portion of the notice was therefore not valid. The tenant confirmed that as of the date of the hearing, she had not paid the rent for April 2013.

### Analysis

The notice to end tenancy for unpaid rent dated April 3, 2013 is valid. The tenant received the notice and did not pay the outstanding rent. The landlord is entitled to an order of possession.

As the landlord was successful in his application, he is entitled to recovery of the \$50 filing fee for the cost of his application.

### Conclusion

I grant the landlord an order of possession effective two days from service. 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.

I further grant the landlord a monetary order for the amount of \$50.

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: April 12, 2013

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Residential Tenancy Branch

