



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR

Introduction

This hearing dealt with an application by the tenant for an order to set aside a Notice to End this tenancy due to unpaid rent dated March 02, 2013. Both parties participated in the conference call hearing. Both parties provided a copy of the Notice to End. The hearing also had benefit of a quantum of rent receipts for rent paid.

At the outset of the hearing the landlord requested an Order of Possession if I uphold the Notice to End the tenancy.

Issues to be Decided

Is the 10 Day Notice to End Tenancy for unpaid rent effective to end this tenancy?

Background and Evidence

The relevant evidence in this matter is as follows. Rent in the amount of \$800.00 is payable in advance on the first day of each month. On March 02, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent stating the tenant owed the landlord \$600.00. The tenant and landlord agreed in testimony the tenant had failed to pay all rent owed to March 02, 2013: comprised of \$300.00 in arrears for 2012, and \$300.00 for March 2013 rent. The tenant paid \$300.00 toward the arrears on March 20, 2013 - leaving arrears of \$300.00.

Analysis

Based on the testimony of both parties I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid all the outstanding rent before the effective date of the Notice to End and despite having applied for Dispute Resolution to dispute the notice has not provided

evidence that all outstanding rent owed has been paid. I find the tenant's payment of part of the rent after the effective date of the Notice to End did not reinstate the tenancy.

Based on the above facts I find that the landlord is entitled to an **Order of Possession**, on the parties' agreed date of April 30, 2013. As a result, I decline to cancel the 10 day Notice to End the Tenancy for Unpaid Rent and the tenant's application to have that notice set aside **is dismissed**.

Conclusion

The tenants' claim **is dismissed**. The landlord is granted an **Order of Possession**.

I grant an Order of Possession to the landlord **effective April 30, 2013**. The tenant must be served with this **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.

This Decision is final and binding on both parties.

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 03, 2013

Residential Tenancy Branch