



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC OPC MNR FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession and a monetary order for unpaid rent. The tenant applied to cancel the notice to end tenancy. The tenant, an advocate for the tenant, the landlord and an advocate for the landlord participated in the teleconference hearing.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

Preliminary Issue – Order of Possession

The tenant acknowledged that he was personally served with the notice to end tenancy for cause on May 1, 2013. The tenant did not apply to cancel the notice until May 15, 2013. A tenant who wishes to dispute a notice to end tenancy for cause must apply to dispute the notice within 10 days of having received the notice. The tenant stated that he did not apply within 10 days because he was trying to resolve the situation. The tenant later stated that he thought it was 10 business days. I informed the parties that the tenant had not provided evidence of extraordinary circumstances that prevented him from applying in time, and his application to cancel the notice was therefore dismissed.

The landlord applied for and is entitled to an order of possession. The effective date on the notice is June 1, 2013. I explained to the parties that as the rental period begins on the first of each month, under the Act the effective date of the notice is automatically corrected to the last day of the next rental period. I therefore grant the landlord an order of possession effective June 30, 2013.

Issue(s) to be Decided

Is the landlord entitled to the monetary compensation claimed?

Background and Evidence

The monthly rent is \$650, due in advance on the first day of each month. At the time of the hearing, the tenant owed \$75 from April 2013, \$650 for May 2013 and \$650 for June 2013. The tenant did not dispute these amounts. The parties also agreed that the landlord had received a cheque from the Ministry in the amount of \$650, but the landlord had not yet cashed the cheque.

Analysis

I find that the landlord is entitled to a monetary order for the outstanding rent. The tenant acknowledged the amount of rent outstanding. I grant the landlord a monetary order for the full amount of outstanding rent. If the landlord is able to cash the cheque in their possession, they must deduct \$650 from the amount on the order.

As the landlord was successful in their application, they are entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective June 30, 2013. 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 grant the landlord an order under section 67 for the balance due of \$1425. This order may be filed in the Small Claims Court and 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: June 10, 2013

Residential Tenancy Branch

