



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR OPR

Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy for non-payment of rent dated May 18, 2013. The tenant/applicant did not attend; after waiting ten minutes, the hearing commenced.

SERVICE:

I find that the Notice to End a Residential Tenancy was served on the Tenant on May 18, 2013 and on May 22, 2013 they filed an Application for Dispute Resolution to cancel the Notice to End Tenancy. The landlord admitted service of the application for dispute resolution.

Issues: Is the tenant entitled to any relief?

Background and Evidence:

The tenant/applicant did not attend the hearing. After waiting ten minutes, the landlord was given opportunity to be heard, to provide evidence and to make submissions. The landlord said they bought the home in April 2013, the previous owner gave them a written document stating the rent was \$1,000 a month but the tenant has only paid \$383 in each month. I advised the landlord that in order to obtain a monetary order for amounts owing, they must bring an Application for Dispute Resolution and provide evidence of any agreements and calculation of amounts owing.

The landlord requested an Order of Possession.

Analysis:

The Notice to End a Residential Tenancy is based on non-payment of rent. The *Residential Tenancy Act* permits a tenant to apply to have the Notice set aside where the tenant disputes that rent is owed or where the amount of rent that is unpaid is an amount the tenant is permitted under this Act to deduct from the rent. In the tenant's application, she alleged that one of the co-tenants was not paying his share of the rent but provided no other details other than copies of several notices to end tenancy which were served on them. I find that the tenants are jointly and severally liable to pay the rent and the evidence is that the rent has not been paid in full for several months. I dismiss the application of the tenants.

Section 55(1)(a) provides that the arbitrator must grant an order of possession of the rental unit if the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application pursuant to section 46 and has upheld the Notice. The landlord has made this request at the hearing. As a result I grant the landlord an Order for Possession.

Conclusion:

I grant the landlord an Order for Possession effective two days from service. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement. I dismiss the tenant's application. No filing fee was involved.

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 18, 2013

Residential Tenancy Branch

