



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC CNR MNDC OLC ERP RP LRE LAT RR FF

Introduction

This hearing dealt with an application by the tenant to cancel two notices to end tenancy, as well as for monetary compensation and orders for the landlord to comply with the Act, orders for repairs and emergency repairs, an order restricting the landlord's access to the rental unit, an order allowing the tenant to change the locks, and a reduction in rent. The tenant, the landlord and two agents for the landlord all participated in the teleconference hearing.

The landlord stated that they filed an application for an order of possession and a monetary order, scheduled to be heard on July 19, 2013.

I informed the parties at the outset of the hearing that the issue of the notices to end tenancy took precedence. I only heard evidence on the notice to end tenancy for unpaid rent. I will address the remainder of the tenant's application in the conclusion of my decision.

Issue(s) to be Decided

Is the notice to end tenancy for unpaid rent valid?

Background and Evidence

The tenancy began on May 1, 2013, with monthly rent in the amount of \$1200 payable in advance on the first day of each month. The tenant and the landlord initialled a note on the tenancy agreement that the tenant would pay the \$600 security deposit on May 22, 2013. The tenant did not pay rent for June 2013, and on June 2, 2013 the landlord posted a notice to end tenancy for unpaid rent on the rental unit door. The tenant

acknowledged receiving the notice and on June 3, 2013 he amended his application to include cancellation of the notice to end tenancy for unpaid rent.

The tenant stated that on May 21, 2013, he spoke to the landlord's agent KL and wanted to pay the security deposit. KL told the tenant that the landlord would not accept any payment from the tenant. The tenant stated that he made no further efforts to pay the security deposit or the rent for June 2013, even after he received the notice to end tenancy for unpaid rent.

The landlord's response was that on two occasions, on May 31, 2013 and June 3, 2013, the landlord's agent KL told the tenant that they would accept the rent for June 2013. The tenant denied that KL told him this. In the hearing the landlord orally requested an order of possession.

Analysis

I find that the notice to end tenancy for unpaid rent dated June 2, 2013 is valid. The tenant was served with the notice but he made no effort to pay the rent, and he cannot therefore claim that he attempted to pay the rent for June 2013 and the landlord refused to accept payment. I therefore dismissed the tenant's application to cancel the notice to end tenancy for unpaid rent.

As the tenant's application to cancel the notice to end tenancy for unpaid rent has been dismissed, and the landlord orally requested an order of possession pursuant to the notice, I therefore must grant the landlord an order of possession.

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.

The tenant's application to cancel the notice to end tenancy for unpaid rent is dismissed. As the tenancy is ending, I also dismiss the remainder of the tenant's application, with the exception of the tenant's claim for monetary compensation.

I adjourn the monetary portion of the tenant's claim to be joined and heard with the monetary portion of the landlord's application, scheduled for hearing on July 19, 2013. The parties will receive a notice of reconvened hearing for the monetary portion of the

tenant's application, which will be heard with the monetary portion of the landlord's application.

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 25, 2013

Residential Tenancy Branch

