



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *CNR, MNDC*

Introduction

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. The tenant also applied for compensation in the amount of \$3,832.10, for work done for the landlord.

Both parties attended the hearing and had opportunity to be heard. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

RTB Rules of Procedure 2.3 states that if in the course of a dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply.

In this regard I find the tenant has applied for a monetary order for compensation for work done for the landlord. As this section of the tenant's application is unrelated to the main section which is to cancel the ten day notice to end tenancy, I dismiss this section of the tenant's claim with leave to reapply.

Accordingly this hearing only dealt with the tenant's application to set aside the notice to end tenancy.

Issue to be Decided

Does the tenant owe rent? Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on March 15, 2013. The tenant rents the top floor of the house for \$1,200.00 per month, due on the first of each month. The occupants of the basement suite moved out at the start of this tenancy.

The landlord stated that the tenant paid partial rent for May 2013 and owed \$360.00. The tenant failed to pay rent for June.

On June 18, 2013, the landlord served the tenant with a notice to end tenancy for nonpayment of rent. The tenant disputed the notice in a timely manner. The tenant did not pay the outstanding rent owed and continues to occupy the rental unit. At the time of the hearing, the tenant agreed that she owed \$2,160.00 in unpaid rent.

Analysis:

Based on the sworn testimony of the both parties, I find that the tenant received the notice to end tenancy for unpaid rent, on June 18, 2013 and did not pay rent within five days of receiving the notice to end tenancy. Accordingly, I uphold the notice to end tenancy.

During the hearing, the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. 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 landlord is at liberty to file his own application for a monetary order for unpaid rent.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 pm on July 31, 2013.**

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: July 24, 2013

Residential Tenancy Branch

