



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 tenancy for nonpayment of rent. Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy?

Background and Evidence

The tenancy began on May 01, 2013. The monthly rent is \$650.00, due on the first of each month. The tenant failed to pay rent for August and September 2013. On September 01, 2013 the landlord served the tenant with a notice to end tenancy for nonpayment of rent. The notice was written on the approved two page form.

The tenant stated that rent for August was paid September 08, 2013 but agreed that she still owed rent for September and October.2013. The tenant stated that she visited the Residential Tenancy Branch office to make application for dispute resolution and spoke with an information officer who told her to withhold rent until the date of this hearing.

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 September 01, 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. The landlord agreed to allow the tenancy to continue until October 31, 2013 if the tenant paid all rent owed by October 15, 2013.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant.

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: October 11, 2013

Residential Tenancy Branch

