



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Dorset Realty Ltd. and 0910951 BC Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing dealt with an application by the tenants to cancel a notice to end tenancy for unpaid rent. One tenant and an agent for the landlord participated in the teleconference hearing.

Both parties were given full opportunity to give testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

### Issue(s) to be Decided

Is the notice to end tenancy valid?  
If so, am I required to issue an order of possession?

### Background and Evidence

On December 6, 2013, the landlord served the tenants with a notice to end tenancy for unpaid rent. The notice indicated that the tenants owed \$4390.18 in outstanding rent.

At the hearing, the tenant raised several questions about the tenant ledger and the alleged amount of outstanding rent. The landlord acknowledged that one amount, \$125.18, should be removed from the ledger, but the balance of the amount is still outstanding. The tenant acknowledged that they made no payments toward the outstanding rent after receiving the notice, and they did not pay any amount toward rent for January 2014.

During the hearing, the landlord orally requested an order of possession.

### Analysis

While the amount of outstanding rent indicated on the notice ought to be amended to remove \$125.18 from the total, I find this is not a fatal flaw. The tenants clearly have failed to pay a significant amount of rent, and they made no payments after receiving the notice. The outstanding rent increased by \$913 when the tenants failed to pay January 2014 rent. I therefore find that the notice to end tenancy is valid, and the tenants' application is dismissed.

When a tenant applies to cancel a notice to end tenancy and the tenant's application is dismissed, if the landlord orally requests an order of possession in the hearing, I must grant it. Accordingly, I grant the landlord an order of possession.

### Conclusion

The tenants' application is dismissed.

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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.

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: January 31, 2014

---

Residential Tenancy Branch

