



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      Landlord: OPR, OPC, MNR, MNDC, FF  
Tenant: MT, CNC, CNR

### Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenant sought to cancel a notice to end tenancy.

The hearing was conducted via teleconference and was attended by the landlord; his agent; and the tenant.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent and for cause; to a monetary order for unpaid rent; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 47, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the tenant is entitled to cancel a 1 Month Notice to End Tenancy for Cause and a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Sections 46 and 47 of the *Act*.

### Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the parties on November 8, 2013 for a fixed term tenancy beginning on November 15, 2013 for the monthly rent of \$800.00 due on the 1<sup>st</sup> of each month;
- A copy of a 1 Month Notice to End Tenancy for Cause that was issued on November 29, 2013 with an effective vacancy date of December 31, 2013 citing the tenant had failed to pay a security deposit and pet damage deposit and the tenant is significantly disturbing other occupants;
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on December 2, 2013 with an effective vacancy date of December 12, 2013 due to \$800.00 in unpaid rent; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on January 2, 2014 with an effective vacancy date of January 12, 2014 due to \$800.00 in unpaid rent.

The tenant testified that she had not paid rent for the month of December 2013 and January 2014. She states that she was not able to receive assistance from the Ministry of Social Development and Social Innovation for December and that she had intended to borrow money from her mother. She provided no explanation as to why she had not already borrowed money to pay the landlord.

### Analysis

Section 46 of the *Act* allows a landlord to end a tenancy if rent is unpaid on any day after the day it is due by giving the tenant notice to end the tenancy effective on a date that is not earlier than 10 days after the date the tenant receives the notice.

As the tenant has made no attempt to pay the rent or have authorisation under the *Act* to withhold rent for two months I find the landlord is entitled to an order of possession and a monetary order for the current arrears of \$1,600.00

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenant**. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$1,650.00** comprised of \$1,60.00 rent owed and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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 29, 2014

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Residential Tenancy Branch

