



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Satguru Ent. Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MT; DRI; CNC; CNR; MNDC; RP; PSF; LRE; AAT; RR

Introduction

This Hearing was convened to consider the Tenant's application seeking more time to file an application to cancel a Notice to End Tenancy; to dispute an additional rent increase; to cancel a Notice to End Tenancy for Unpaid Rent; to cancel a Notice to End Tenancy for Cause; for compensation under the Act, regulation or tenancy agreement; for an Order that the Landlords make repairs to the rental unit; for an Order suspending or setting conditions on the Landlords' right to enter the rental unit; for an Order allowing the Tenant and her guests access to the rental unit; for an Order that the Landlords provide service or facilities as required by law; for an Order allowing the Tenant access to the rental unit; and for a reduction in rent.

Both parties gave affirmed testimony at the Hearing.

Preliminary Matters

Monthly rent is \$900.00, due on the first day of each month.

At the outset of the Hearing, the Tenant testified that she owes partial rent to the Landlords for the months of November and December, 2013, and that she has not paid any rent for the month of January, 2014. She stated that she does not have an Order from the Director allowing her to deduct all or a portion of rent. The Tenant stated that she does not dispute that she owes rent, but is disputing the amount of the rent that is owed.

The Tenant stated that she received the One Month Notice to End Tenancy issued October 30, 2013, on December 17, 2013. She stated that she received the 10 Day Notice to End Tenancy issued December 10, 2013, on December 11, 2013.

The Landlord SG testified that he served the Tenant with the One Month Notice to End Tenancy on October 30, 2013, and that he served the Tenant with the 10 Day Notice to

End Tenancy on December 10, 2013. The Landlord did not provide documentary evidence with respect to the dates of service of the Notices.

The Tenant acknowledged receiving the 10 Day Notice to End Tenancy on December 11, 2013, and therefore I find that the effective date of the Notice was December 21, 2013.

The Landlord SG stated that he will not be applying for a Monetary Order against the Tenant, but that he just wants an Order of Possession.

Section 26 of the Act requires a tenant to pay rent when it is due unless the tenant has a right under the Act to deduct all or a portion of the rent. In this case, the Tenant did not have a right under the Act to withhold the rent.

Therefore, I uphold the 10 Day Notice to End Tenancy issued December 10, 2013. The tenancy is over and therefore there is no need to consider the Tenant's application to cancel the One Month Notice to End Tenancy for Cause.

Section 55 of the Act provides that I must provide the landlord with an order of possession when the tenant makes an application to cancel the notice to end the tenancy if the notice is upheld and the landlord requests an order of possession during the hearing.

The tenancy has ended and therefore I dismiss, without leave to reapply, the Tenant's application for an Order that the Landlords make repairs to the rental unit; for an Order suspending or setting conditions on the Landlords' right to enter the rental unit; for an Order allowing the Tenant and her guests access to the rental unit; for an Order that the Landlords provide service or facilities as required by law; for an Order allowing the Tenant access to the rental unit; and for a reduction in rent.

The Residential Tenancy Rules of Procedure, Rule 2.3, states that for disputes to be combined on an application they must be related. I find that that the Tenant's request for compensation is not sufficiently related to the main issue, which is to cancel the Notices. Therefore, I dismissed the Tenant's application for compensation with leave to reapply.

Conclusion

The Tenant's application for compensation under the Act, regulation or tenancy agreement is **dismissed with leave to reapply**.

The remainder of the Tenant's application is **dismissed**.

I hereby provide the Landlords with an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This 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 02, 2014

Residential Tenancy Branch

