



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS. AGENCIES LIMITED
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

CNR, FF

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 the recovery of the filing fee.

Both parties attended the hearing and had opportunity to be heard.

Issue to be Decided

Does the landlord have grounds to end this tenancy? Is the tenant entitled to the recovery of the filing fee?

Background and Evidence

The tenancy began on January 01, 2014. The monthly rent is \$740.00 payable on the first of each month. The tenant failed to pay rent for February 2014 and on February 07, 2014; the landlord served the tenant with a ten day notice to end tenancy for nonpayment of rent. The tenant disputed the notice in a timely manner, but did not pay rent. At the time of the hearing, the tenant agreed that he owed the landlord, \$765.00.

During the hearing the tenant stated that the landlord agreed to allow the tenant's brother to move in and added him to the lease on February 14, 2014. The tenant promised to pay rent once the paper work was done at Social Services but as of the date of this hearing – February 27, 2014, the tenant had not paid any portion of the rent. The tenant requested the landlord to allow him more time and when the landlord refused, the tenant stated that he did not want to waste his time and left the conference call

The landlord made a request for an order of possession.

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 February 07, 2014 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 tenant has failed to prove his case and must therefore bear the cost of filing this application.

The landlord is at liberty to file her own application for a monetary order for unpaid rent.

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: February 27, 2014

Residential Tenancy Branch

