



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Notice to End Tenancy was personally served on the Tenant. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the Tenant was personally served on the landlord. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issue to be decided is whether the tenant is entitled to an order cancelling the Notice to End Tenancy dated March 1, 2014?

Background and Evidence

The tenancy began on October 1, 2013 when the parties entered into a fixed term tenancy that provided that the tenancy would end on October 1, 2014. The tenancy agreement provided that the tenant(s) would pay rent of \$900 per month payable on the

first day of each month. The tenant(s) paid a security deposit of \$450 at the start of the tenancy.

The tenant testified that she has been a victim of a scam, the Bank has frozen her bank account and she was unable to pay the rent for March 2014. The tenant requested that she be permitted to stay in the rental unit until the end of March as she has found another place to move to. The landlord stated she was agreeable to the tenant staying until the end of March on the grounds that it was without prejudice to her right to file a claim for loss of rent.

Determination and Orders

I dismissed the tenant's application to cancel the Notice to End Tenancy. As a result of the agreement between the parties I set the end of tenancy for March 31, 2014.

Order for Possession

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where a dispute resolution officer has dismissed a tenant's application to set aside a Notice to End Tenancy, the dispute resolution officer must grant an Order for Possession. The landlord made this request at the hearing. As a result I granted the landlord an Order for Possession effective 1:00 p.m. on March 31, 2014.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: March 19, 2014

Residential Tenancy Branch

