



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding SALIENT INVESTMENTS LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: CNR OPR

### **Introduction:**

This was an application by the tenant to cancel a Notice to End the Tenancy for non-payment of rent dated March 2, 2014. Both parties were present at the hearing.

### **SERVICE:**

I find that the Notice to End a Residential Tenancy was served personally on the Tenant. The landlord admitted service of the application for dispute resolution.

**Issues:** Is the tenant entitled to any relief?

### **Background and Evidence:**

Both parties attended the hearing and were given opportunity to be heard, to provide evidence and to make submissions. The evidence is that the tenancy began on February 1, 2014 and rent is \$660 a month. The tenant said that half of it was paid by the male tenant and half by the female tenant but it is under one lease. The landlord testified that the tenant failed to pay the rent in full for March and April, 2014. The landlord verified the tenants paid \$610 (\$330 + \$280) in March and \$330 in April and were issued receipts "for use and occupancy only" as the landlord did not intend to reinstate the tenancy.

The tenants said they had difficulties in getting established as they just moved from another province. The landlord requested that an Order of Possession be issued pursuant to section 55 of the Act if the tenants are not successful.

### **Analysis:**

The Notice to End a Residential Tenancy is based on non-payment of rent. The *Residential Tenancy Act* permits a tenant to apply to have the Notice set aside where the tenant disputes that rent is owed or where the amount of rent that is unpaid is an amount the tenant is permitted under this Act to deduct from the rent. I find the weight of the evidence is that rent is owed and there is no evidence of permitted deductions. I therefore dismiss the tenants' Application to set aside the Notice to End Tenancy.

Section 55(1)(a) provides that the arbitrator must grant an order of possession of the rental unit if the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application pursuant to section 46 and

has upheld the Notice. The landlord has made this request at the hearing. As a result I granted the landlord an Order for Possession.

**Conclusion:**

I grant the landlord an Order for Possession effective two days from service. 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. I dismiss the tenant's application; no filing fee was involved.

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: April 09, 2014

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Residential Tenancy Branch

