



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ALDERCENTER PROPERTY MGMT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNR OPR

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) To cancel a notice to end tenancy for unpaid rent pursuant to section 46.

Service:

The Notice to End Tenancy is dated September 19, 2014 to be effective October 1, 2014 and the tenant confirmed it was served by posting it on the door. The tenant /applicant gave evidence that they personally served the Application for Dispute Resolution on September 23, 2014 and the landlord agreed they received it. I find the documents were legally served for the purposes of this hearing.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that there is unpaid rent and the tenancy should be terminated pursuant to section 46 of the Act? Or is the tenant entitled to any relief? Is the landlord entitled to an Order of Possession if the tenant is unsuccessful in the application?

Background and Evidence

Both parties attended the hearing and were given opportunity to be heard, to provide evidence and to make submissions. The undisputed evidence is that the tenancy commenced on October 1, 2010, rent is \$650 a month and a security deposit was already applied to outstanding rent in the past so no balance remains. The landlord served a Notice to End Tenancy as the tenant had not paid rent in September 2014; she states he has not paid rent for October or November either so \$1950 is outstanding in rent arrears and she requests an Order of Possession. The tenant agreed with the landlord's calculations and said he hoped to repay rent owing after he started work soon.

After discussion, the parties agreed that the Order of Possession should be issued effective November 22, 2014 and the tenant agreed that he would ensure the suite was in good standing so the landlord could show it to prospects and hopefully re-rent for December 1, 2014.

Included with the evidence is the Notice to End Tenancy and a statement from the landlord.

On the basis of the documentary and solemnly sworn evidence presented for the hearing, a decision has been reached.

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Analysis:

As discussed with the parties in the hearing, the onus is on the landlord to prove on a balance of probabilities that they have good cause to evict the tenant.

I find the evidence of the landlord credible that the tenant has not paid the outstanding rent as her evidence is supported by the tenant's agreement. I dismiss the application of the tenant to cancel the Notice to End Tenancy. Pursuant to sections 46 and 55 of the Act, I find the tenancy is terminated on October 1, 2014 and an Order of Possession is issued to the landlord as requested and agreed effective November 22, 2014.

Conclusion:

The Application of the Tenant to set aside the Notice to End Tenancy is dismissed. The tenancy is at an end on October 1, 2014. An Order of Possession is issued to the landlord effective November 22, 2014. 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: November 12, 2014

Residential Tenancy Branch

