



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, ERP, RP, LRE, LAT AAT, OLC, FF

Introduction

This hearing was convened in response to an application by the tenant to:

- Cancel a 10 Day Notice to End (NTE) Tenancy for Unpaid Rent,
- For the landlord to make emergency repairs
- For the landlord to make repairs to the unit
- For the landlord to Comply with the Act
- To suspend or set conditions on the landlord's right to enter
- Allow access by the tenant or tenant's guests
- Authorize the tenant to change locks
- Recover the filing fee

Both parties attended the hearing and were given full opportunity to present all *relevant* evidence and testimony in respect to the tenant's application and to make *relevant* prior submission to the hearing and fully participate in the conference call hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the *relevant* evidence that they wished to present. At the outset of the hearing the landlord orally requested an Order of Possession pursuant to a 10 Day Notice to end Tenancy for Unpaid Rent.

Issue(s) to be Decided

Is the Notice to End Tenancy valid?

Is the landlord entitled to an Order of Possession?

Should the landlord be ordered to make repairs to the unit, or emergency repairs?

Should the landlord's right to enter the unit be made conditional?

Should the tenant be permitted to change locks?

Should the landlord be ordered to allow access to the unit?

Is the tenant entitled to the monetary amounts claimed?

Background and Evidence

The parties' undisputed evidence is that the tenant failed to pay rent in the month of March 2015 and on March 04, 2015 the landlord served the tenant with a Notice to End Tenancy (NTE) for non-payment of rent which the tenant acknowledges receiving the same date. The parties agree that the tenant has not paid the outstanding rent. The tenant testified they seek to vacate the rental unit.

Analysis

Based on the testimony of both parties, and on the document evidence, I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find that notice to be valid. The tenant has not paid the outstanding rent, and despite their application to dispute the notice to end, they have no evidence upon which to dispute the landlord's entitlement to the rent. As a result, the tenant's application to cancel the Notice to End for unpaid rent dated March 04, 2015 is hereby **dismissed** and the landlord's Notice is upheld. Section 55 of the Act, in part, states as follows: (**emphasis mine**)

Order of possession for the landlord

- 55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director **must grant an order of possession of the rental unit to the landlord** if, at the time scheduled for the hearing,
- (a) the landlord makes an oral request for an order of possession,
 - and
 - (b) the director dismisses the tenant's application or upholds the landlord's notice.

Based on the above facts I find that the landlord is entitled to an Order of Possession.

As I have found that the tenancy is ending, I decline to consider the balance of the tenant's claims in respect to a surviving tenancy. These remaining portions of the tenant's application are effectively **dismissed**, *without leave to reapply*.

Conclusion

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. The landlord is being given this Order. The tenant must be served with this 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.

This Decision is final and binding on both parties.

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 30, 2015

Residential Tenancy Branch

