



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR

Introduction

This hearing was convened in response to an application by the tenant pursuant to the *Residential Tenancy Act* (the Act) to cancel a 10 Day Notice to End for unpaid rent. At the outset the landlord requested an Order of Possession in the event I dismiss the tenant's application or uphold the landlord's Notice.

Both parties attended the hearing and were given full opportunity to present all relevant evidence and testimony in respect to their claims 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.

Issue(s) to be Decided

Is the notice to end tenancy valid?
Should the Notice to end be cancelled?
Is the landlord entitled to an Order of Possession?

Background and Evidence

The tenant failed to pay all rent owed over the course of the past 6 months. On May 05, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent stating that on May 01, 2015 the tenant had failed to pay the amount of \$1473.00 now in arrears. The parties confirmed that the amount and accumulated arrears have not been paid. The tenant testified they are in the midst of vacating the rental unit within days.

Analysis

Based on the evidence in this matter I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. Despite the tenant's application disputing the Notice the tenant has not paid the outstanding rent. Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

The tenant's application is effectively **dismissed**.

Conclusion

I grant an Order of Possession to the landlord **effective 2 days** from the day it is served on the tenant. 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: June 24, 2015

Residential Tenancy Branch

