



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR MNR MNSD OLC ERP RP PSF RPP LRE RR FF

Introduction

This hearing convened pursuant to the tenant's application to cancel a notice to end tenancy for unpaid rent and for other orders. The tenant and the landlord called in to the teleconference hearing.

I informed the parties that the issue of the notice to end tenancy took precedence, and only heard evidence on that issue. Both parties were given full opportunity to give affirmed testimony and present their evidence. I have reviewed all testimony and other evidence. However, in this decision I only describe the evidence relevant to the issues and findings in this matter.

I will address the remainder of the tenant's application in the conclusion of my decision.

Issue(s) to be Decided

Is the notice to end tenancy for unpaid rent dated November 22, 2015 valid?
If so, is the landlord entitled to an order of possession?

Background and Evidence

The tenancy began in January 2014, with monthly rent of \$3,000.00 payable in advance on the first day of each month. The tenant did not pay rent for November 2015, and on November 2, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the months of December 2015 and January 2016. The tenant did not dispute these facts.

In the hearing the landlord requested an order of possession effective January 31, 2015.

Analysis

I accept that the tenant was served with the notice to end tenancy and has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I therefore find that the notice to end tenancy is valid and the tenancy ended on December 2, 2015, the effective date of the notice. The landlord requested an order of possession, and therefore under section 54 of the Act I must grant the order of possession.

Conclusion

The notice to end tenancy for unpaid rent dated November 22, 2015 is valid. The tenant's application to cancel the notice is dismissed. The remainder of the tenant's application is also dismissed, with the exception of the monetary claim, which I dismiss with leave to reapply.

I grant the landlord an order of possession effective January 31, 2016. The tenant must be served with the 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 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: January 7, 2016

Residential Tenancy Branch

