



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *CNR*

### **Introduction**

This hearing dealt with an application by the tenant for an order to set aside a notice to end tenancy for nonpayment of rent. Both parties attended the hearing and had opportunity to be heard.

The tenant acknowledged receipt of evidence submitted by the landlord. Both parties gave affirmed testimony.

### **Issue to be Decided**

Does the landlord have grounds to end this tenancy?

### **Background and Evidence**

The tenancy began on April 01, 2014. The monthly rent is \$760.00, due on the first of each month. Both parties agreed that the tenant owed \$400.00 for September, \$400.00 for October and \$760.00 for November 2015. On November 10, 2015, the landlord served the tenant with a ten day notice to end tenancy. The tenant disputed the notice in a timely manner and stated that he gave the landlord postdated cheques to cover rent for these months. The tenant also agreed that he had not paid rent for December 2015 and January 2016.

The first postdated cheque in the amount of \$400.00 was dated January 03, 2016 and was returned to the landlord for insufficient funds. The tenant agreed that he did not have sufficient funds in his bank account to cover the cheque of \$400.00.

As of the date of this hearing (January 12, 2016), the tenant agreed that he owed partial rent for September and October 2014 and full rent for November and December 2014 and January 2016.

**Analysis:**

Based on the sworn testimony of the both parties, I find that the tenant received the notice to end tenancy for unpaid rent, on November 10, 2015 and did not pay rent within five days of receiving the notice to end tenancy. Accordingly, I uphold the notice to end tenancy.

During the hearing, the landlord made a request under section 55 of the legislation for an order of possession. Under the provisions of section 55(1), upon the request of a landlord, I must issue an order of possession when I have upheld a notice to end tenancy. Accordingly, I so order. 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.

The landlord is at liberty to file her own application for a monetary order for unpaid rent.

**Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant.

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 12, 2016

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Residential Tenancy Branch

