



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes cnr

Introduction

The tenant has applied for dispute resolution, seeking an order cancelling a 10 day Notice to End Tenancy (for unpaid rent or utilities).

The tenant did not attend the hearing. The landlord attended. Given that she had served the landlord with her application, it is clear the tenant had notice of this hearing.

Issues to Be Decided

- Is the Notice to End Tenancy (the “Notice”) served upon the tenant effective to end this tenancy, and entitle the landlord to an Order of Possession?

Background and Evidence

This tenancy began on August 1, 2014. Rent is due on the 1st day of each month in the amount of \$1,600.00. After no rent was received by the landlord for November, he served the tenant with a 10-Day Notice to End Tenancy. The tenant’s application confirms she received this on December 1, 2015. No further rent has been paid, but the tenant remains in possession of the rental premises.

Analysis

Section 26(1) of the Residential Tenancy Act requires that a tenant must pay rent when it is due under the tenancy agreement. The landlord was therefore entitled in law to serve the notice ending this tenancy, when November rent was not paid as and when due. Upon receipt of that notice, the tenant should have paid the full rental arrears within the required 5 day period, in order to have the tenancy continue. The tenant failed to do so, and has provided no reason as why the notice was disputed. The notice is therefore found effective to end this tenancy, and the landlord has established a right to possession. The tenant’s claim is dismissed.

Conclusion

I issue an Order of Possession, effective 48 hours following service upon the tenant. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court for enforcement.

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 27, 2016

Residential Tenancy Branch

