



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR ERP RP O

Introduction

This hearing was convened pursuant to the tenant's application to cancel a notice to end tenancy for unpaid rent, as well as for repairs and emergency repairs. The tenant and the landlord participated in the teleconference hearing.

I determined that the issue of the notice to end tenancy took precedence, and only heard evidence on that issue. I will address the remainder of the tenant's application in the conclusion of my decision.

At the outset of the hearing, each party confirmed that they had received the other party's evidence. Neither party raised any issues regarding service of the application or the evidence. 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.

Issue(s) to be Decided

Is the notice to end tenancy dated December 4, 2015 valid?

Background and Evidence

The tenancy began on May 1, 2015. Rent in the amount of \$2,600.00 is payable in advance on the first day of each month. The tenant failed to pay full rent for several months in 2015, and on December 4, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent in the amount of \$10,264.00. The landlord stated that as of the hearing date, the tenant owed \$14,874.00 in unpaid rent.

The tenant did not dispute these facts.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy and failed to pay all of the rent owed within the five days granted under section 46(4) of the Act. I therefore find that the tenancy ended on December 14, 2015, the effective date of the notice. I therefore cancel the notice to end tenancy and dismiss the tenant's application to cancel the notice.

I am satisfied that the notice to end tenancy for unpaid rent dated December 4, 2015 meets the requirements regarding form and content as set out in section 52 of the Act.

Under section 55 of the Act, when a tenant's application to cancel a notice to end tenancy is dismissed and I am satisfied that the notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the order of possession. Accordingly, I grant the landlord an order of possession effective two days from service.

Conclusion

The tenant's application to cancel the notice to end tenancy dated December 4, 2015 is dismissed. As the tenancy has ended I also dismiss the portions of the tenant's application regarding repairs and emergency repairs.

I grant the landlord an order of possession effective two days from service. 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: February 1, 2016

Residential Tenancy Branch