



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The tenant applied for monetary compensation and orders for emergency repairs and a reduction in rent. The landlord applied for an order of possession and a monetary order. The tenant and the landlord participated in the teleconference hearing.

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.

I determined that the issue of the notices to end tenancy took precedence, and only heard evidence on that issue. I will address the remainder of the applications in the conclusion of my decision.

Issue(s) to be Decided

Is the notice to end tenancy dated July 4, 2016 valid?

Background and Evidence

The tenancy began in May 2013. Rent in the amount of \$1,200.00 is payable in advance on the first day of each month. The tenant withheld \$100.00 of the rent in July 2016, and on July 4, 2016 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 month of August 2016. The tenant did not dispute these facts.

Analysis

It is undisputed that the tenant failed to pay \$100.00 of the rent for July 2016, she was served with the notice to end tenancy, and she failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the notice to end tenancy for unpaid rent dated July 4, 2016 is valid and the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

There was no evidence of any need for emergency repairs, and I dismiss this portion of the tenant's application.

The tenant's monetary claim and the landlord's monetary claim are both dismissed with leave to reapply.

I grant the landlord recovery of the \$100.00 filing fee for the cost of his application.

Conclusion

The tenant's application for emergency repairs is dismissed.

The monetary claims of the landlord and the tenant are dismissed with leave to reapply.

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: August 25, 2016

Residential Tenancy Branch