



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OP

Introduction

This hearing dealt with an application by the tenant for an order setting aside the landlord's Notice to End Tenancy for Unpaid Rent dated July 18, 2016. This hearing also dealt with a verbal request by the landlord for an order of possession. The hearing was conducted by conference call. Both parties attended the hearing and had an opportunity to be heard.

Issues

Are the parties entitled to the requested orders?

Background and Evidence

This tenancy began on May 15, 2016. The rent is \$700.00 due in advance on the first day of each month. The tenant did not pay rent for July when it was due. On July 18, 2016 the landlord personally served the tenant with a Notice to End Tenancy for Unpaid Rent. Both parties acknowledged that no rent has been paid for the months of July, August and September.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for Unpaid Rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. In the present case, the tenant did file an Application for Dispute Resolution within the required time frame but failed to pay the rent for the month indicated on the Notice. The tenant then failed to pay rent for the months of August and September.

Conclusion

Based on the above background, evidence and analysis I find that the tenant is not entitled to an order setting aside the landlord's Notice to End Tenancy and that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court 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: September 12, 2016

Residential Tenancy Branch

