



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, OPR, MNR

Introduction

In the first application the tenant seeks to cancel a ten day Notice to End Tenancy for unpaid rent and utilities dated December 2, 2016 and for a compliance order of an unspecified nature.

In the second application the landlords seek an order of possession pursuant to the Notice and for a monetary award of \$7230.00 in rent arrears and \$553.13 for outstanding utilities.

At the outset of the hearing the tenant admitted he owed the money as claimed but he had run into financial difficulties and problems with obtaining an anticipated tax return.

Issue(s) to be Decided

None.

Background and Evidence

The rental unit is a two bedroom house with an addition that serves as another bedroom. The tenancy started in January 2011. The monthly rent is \$1400.00 per month, due on the first of each month in advance. There is a written tenancy agreement but neither side produced a copy.

The landlords hold a \$700.00 security deposit and a \$700.00 pet damage deposit.

It is agreed that the landlords are owed \$7230.00 in rent arrears including December 2016 rent and \$553.13 for utilities. These are the two amounts demanded in the ten day Notice.

The tenant has had only intermittent work and cannot afford to pay the landlord. His material discloses that he anticipates receiving money from the government but can't say when.

Analysis

The Notice to End Tenancy was a proper Notice. The tenant does not have a valid ground for cancelling it.

I find that this tenancy has ended by operation of s. 46 of the *Residential Tenancy Act* (the "Act"). It ended December 13, 2016. Though the parties may be able to work out a resolution of the matter, the landlords are entitled to an order of possession.

I grant the landlords a monetary award in the admitted amount of \$7783.13, as claimed. There no claim for recovery of any filing fee nor is there a claim to set off any of the deposit money against the award (though the landlords are entitled to do so under s. 38(3) of the *Act*. There will be a monetary order against the tenant for \$7783.13.

Conclusion

The tenant's application is dismissed. The landlords' application is allowed as presented.

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, 2017

Residential Tenancy Branch