



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

The tenants apply to cancel a ten day Notice to End Tenancy for unpaid rent dated January 3, 2017.

The listed parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

Issue(s) to be Decided

Is the ten day Notice a valid Notice?

Background and Evidence

The rental unit is a three bedroom townhouse. The tenancy started July 1, 2014. The monthly rent is currently \$1697.00, due on the first of each month. The landlord holds an \$850.00 security deposit.

The Notice claims that the tenants have failed to pay \$2944.00 of rent due January 1, 2017.

The tenants do not dispute that debt. They say they have fallen on difficult financial times for lack of work.

Analysis

It is clear that the tenants owed the amount claimed in the Notice and have not paid it within five days after receipt of the Notice or at all. The Notice is valid.

Section 46 of the *Residential Tenancy Act* (the “*Act*”) is strict in these circumstances and results in an ending of the tenancy ten days after receipt of the Notice.

An arbitrator acting under the *Act* has no power to consider a tenant’s financial circumstances or to extend time for payment of rent.

The ten day Notice was served on the tenants by registered mail sent January 4, 2017. By operation of s. 90 of the *Act*, the tenants were deemed to have received the Notice on January 9, 2017. As a result, the Notice caused this tenancy to end on January 20, 2017.

The landlords are entitled to an order of possession as provide for by s. 55 of the *Act*.

Conclusion

The tenants’ application must be dismissed. The landlords will have an order of possession.

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 06, 2017

Residential Tenancy Branch