



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF

Introduction

The tenant applies to cancel a ten day Notice to End Tenancy dated June 2, 2017 and received June 3.

Both 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 the three bedroom upper portion of a house. The tenancy started in July 2015. The monthly rent is \$1450.00, due on the first of each month, in advance. The landlord holds a \$725.00.

The tenant testifies that he has not paid the June rent because of a variety of issues with the premises and the landlord.

Analysis

The tenant has not claimed any monetary award, repair order or compliance order in his application and so the matters he listed in his testimony are not directly relevant to the actual claim being made, namely, the cancellation of the ten day Notice.

Section 26 of the *Residential Tenancy Act* (the “*Act*”) states that a tenant must pay rent, even when his landlord is in breach of the *Act* or the landlord’s obligations under the tenancy agreement.

The tenant did not pay the June rent. The ten day Notice resulting from that failure is a valid Notice and the tenant’s application to cancel it must be dismissed.

Section 55 of the *Act* provides that in these circumstances an order of possession must be granted to the landlord.

Conclusion

The tenant’s application is dismissed. This tenancy ended on June 13, 2017 and the landlord 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: July 27, 2017

Residential Tenancy Branch