



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy
- b. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. Neither party submitted documentary evidence including the 10 day Notice to End Tenancy.

Based on the oral testimony of the parties I find that the 10 day Notice to End Tenancy was personally served on the Tenants on March 20, 2018. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the landlord by placing it in his mailbox.

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy?
- b. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy began on November 1, 2017. The tenancy agreement provided that the tenant(s) would pay rent of \$1200 per month payable in advance on the first day of each month. There is a dispute as to whether the tenant(s) paid a security deposit and if so how much.

The landlord testified the tenants failed to pay the rent for March 2018, April 2018 and May 2018. The tenants dispute the failure to pay some of the rent. However they stated they have found alternative accommodation and are in the process of vacating the rental unit.

Determination and Orders:

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. As the tenants are in the process of vacating I determined they no longer wished to dispute the Notice to End Tenancy. There is outstanding rent. The landlord used the approved government form. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy. further order that the application of the tenant for the cost of the filing fee be dismissed.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession on 2 days notice..

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

This decision is final and binding on the parties.

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: June 01, 2018

Residential Tenancy Branch