



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, MT

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the *Residential Tenancy Act* (the “Act”) to be allowed more time to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) issued on February 2, 2023.

Both parties appeared.

Preliminary and Procedural matters

In this case, the landlord has applied for a direct request hearing that is related to the above Notice. I have noted the file number on the covering page of this decision.

Under section 55 of the Act, I must consider whether or not the landlord is entitled to an order of possession and a monetary order for unpaid under the tenant’s application. Therefore, I find it appropriate to bring forward the landlord’s application pursuant to Residential Tenancy Branch Rules of Procedure 2.10 joining applications as I must consider these issues pursuant to the Act.

At the outset of the hearing the tenant indicated that they have not paid rent for March 2023; however, they intend to pay rent on March 22, 2023. The tenant indicated that they are planning to vacate the rental unit on March 22, 2023.

The landlord stated that the tenant continues to fail to pay rent on time. The landlord stated that they had agreed in writing that the tenant would vacate the premises by March 12, 2023; however, when they attended on that date the tenant stated they were not vacating.

In this case, I am satisfied that that parties had reached an agreement to end the tenancy on March 12, 2023, as this is written in the emails. As that date has now passed, I grant the landlord an order of possession, effective two-days after service upon the tenant. This Order may be enforced in the Supreme Court should the tenant fail to vacate. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

As the tenant admitted March 2023, rent was not paid, I find the landlord is entitled to a monetary order in the amount of \$810.50 for unpaid rent in the amount of \$710.50 and to recover the \$100.00 filing fee. This order may be enforced in the Provincial Court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant. Should the tenant pay the rent on March 22, 2023, as indicated then that money order is cancelled and has no force or effect.

Conclusion

The landlord is granted on an order of possession and a monetary order for the unpaid rent.

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: March 21 2023

Residential Tenancy Branch