



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, MNDCT, OLC

Introduction

This hearing dealt with the Tenant's applications under the Residential Tenancy Act (the Act) to cancel the 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) issued by the Landlord on May 17, 2023, and to cancel a subsequent 10 Day Notice issued by the Landlord on June 5, 2023.

Both parties attended the hearing and gave affirmed testimony.

Preliminary Matters

The Tenant amended their application to claim compensation from the Landlord for rent their co-Tenant should have been paying to the Landlord. I have dismissed that portion of the Tenant's application without leave to reapply because the Tenant is responsible to pay the full amount of rent to the Landlord under Residential Tenancy Policy Guideline 13. Any dispute between the Tenant and the co-Tenant would not fall under the jurisdiction of the Residential Tenancy Branch.

Issues to be Decided

Is the tenancy at an end? Does the Tenant owe unpaid rent?

Facts and Analysis

This tenancy began on April 10, 2021, with a monthly rent of \$2,800.00, due on first day of each month, with a security deposit in the amount of \$1,400.00 and a pet deposit in the amount of \$1,400.00.

The Landlord served the first 10 Day Notice in person to the Tenant on May 17, 2023, indicating \$2,800.00 owing as of May 1, 2023. The parties agree that the Tenant paid the full amount of rent owing for May on around May 27, 2023.

The Landlord served a subsequent 10 Day Notice to the door of the Tenant's rental unit on June 5, 2023. I find the 10 Day Notice complies with section 52 of the Act. The Tenant has not made payment in time to cancel either 10 Day Notice. The Tenant has not established a legal reason for withholding rent. Therefore, I dismiss the Tenant's applications in their entirety, without leave to reapply.

I find the Landlord is entitled to an Order of Possession under section 55 of the Act.

The Tenant says they will need more time to vacate the rental unit. The Tenant says they have a number of possessions in the four-bedroom rental unit that they need to store; they also need to deal with possessions left behind by their co-Tenant. The Tenant says they need financial assistance to find a new rental, and it will be a difficult and lengthy process to find another rental unit they can afford.

I accept the Tenant will need more time to vacate the unit. Pursuant to Policy Guideline 54, I grant the Landlord an order of possession effective July 31, 2023 at 1:00 pm.

Section 55(1.1) of the Act states that if the Tenant's application to dispute the 10 Day Notice is dismissed, the Arbitrator must grant the Landlord an order for unpaid rent.

The parties agree that the Tenant owes rent for June 2023 and July 2023, totalling \$5,600.00.

I order the Landlord to retain the pet and security deposit plus interest accrued from January 1, 2023 to the date of the hearing, totalling \$2,829.70, in partial satisfaction of rent owing.

Therefore, I find the Landlord is entitled to a Monetary Order for the balance of unpaid rent in the amount of \$2,770.30. This order does not impact the Landlord's responsibility to conduct a move out inspection or the Landlord's right to file an application for compensation for any other damages arising out of this tenancy.

Conclusion

The Tenant's applications to cancel the 10 Day Notices issued May 17, 2023 and June 5, 2023 are dismissed, without leave to reapply.

I grant an Order of Possession to the Landlord effective July 31, 2023 at 1:00 pm, after service of this Order on the Tenant. Should the Tenant or anyone on the premises fail to

comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I grant the Landlord a Monetary Order in the amount of \$2,770.30 for rent owing for June 2023 to July 2023. The Landlord is provided with this Order in the above terms and the Tenant must be served with this Order as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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 17, 2023

Residential Tenancy Branch