



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *OPR, CNR, MNR, DRI, RR, PSF, LRE, FF*

### **Introduction**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*.

The landlord applied for an order of possession, for a monetary order for unpaid rent, and for the recovery of the filing fee. The tenant applied to cancel the notice to end tenancy for non-payment of rent and for the recovery of the filing fee. The tenant also applied to restrict the landlord's entry into the rental unit, for a rent reduction, to dispute a rent increase and for an order directing the landlord to provide services.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions. The parties acknowledged receipt of evidence submitted by the other and gave affirmed testimony.

RTB Rules of Procedure 2.3 states that if in the course of a dispute resolution proceeding, the Arbitrator determines that it is appropriate to do so, the Arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply. In this regard, I find the tenant has applied for multiple remedies. As these sections of the tenant's application are unrelated to the main section, which is to cancel the 10 Day Notice, I dismiss these sections of the tenant's claim, with leave to reapply.

Accordingly, this hearing only dealt with the Landlord's application for an order of possession and a monetary order for unpaid rent, and the tenant's application to set aside the notice to end tenancy.

### **Issues to be decided**

Is the landlord entitled to an order of possession or should the notice to end tenancy be set aside? Is the landlord entitled to a monetary order?

### **Background and Evidence**

The tenancy started on August 15, 2023. The current rent is \$1,500.00 per month due on the first of each month.

On May 24, 2024, the landlord served the tenant with a notice to end tenancy for unpaid rent in the amount of \$8,000.00. The tenant agreed that the landlord served the notice to him in person. The tenant disputed the notice in a timely manner and continued to occupy the rental unit without paying rent.

During the hearing, the tenant agreed that he owed the landlord a total of \$9,500.00 which included the rent for the current month of June 2024.

### **Analysis**

#### **Landlord's Application**

Pursuant to section 46 (4) of the *Residential Tenancy Act* within five days after receiving the notice to end tenancy, the tenant may pay the overdue rent or dispute the notice by making application for dispute resolution. If the tenant does not pay rent or dispute the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit, by that date.

The tenant received the notice to end tenancy for unpaid rent, on May 24, 2024, and did not pay rent within five days of receiving the notice to end tenancy and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the notice. Pursuant to section 55(2), I am issuing a formal order of possession effective June 30, 2024. The order may be filed in the Supreme Court for enforcement.

The tenant agreed that he owed the landlord rent in the amount of \$9,500.00 and therefore I award the landlord his claim for unpaid rent.

Since the landlord has proven his case, I award the landlord the recovery of the filing fee of \$100.00.

Overall, the landlord has established a total claim of \$9,600.00 for unpaid rent and the filing fee. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for this amount. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Tenant's application:

The tenant has not proven his case and must bear the cost of filing his application.

**Conclusion**

I grant the landlord an order of possession effective June 30, 2024. I also grant the landlord a monetary order in the amount of **\$9,600.00**.

The tenant's application is dismissed in its entirety.

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 25, 2024

---

Residential Tenancy Branch