



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: CNR OLC RP RR OPR MNR FF

Introduction

This hearing dealt with applications by the tenants and the landlord. The tenants applied to cancel a notice to end tenancy, as well as for orders for repairs, a reduction in rent and an order that the landlord comply with the Act. The landlord applied for an order of possession, a monetary order and recovery of the filing fee for the cost of his application.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an order of possession?

Are the tenants entitled to a reduction in rent?

Is the landlord entitled to the monetary amounts claimed?

Should an order be made for repairs?

Should an order be made that the landlords comply with the Act?

Background and Evidence

On September 1, 2008 the tenants failed to pay the \$600 rent due on that date, and on September 2, 2008 the landlord served the tenants with a notice to end tenancy for unpaid rent. The tenants have not paid the outstanding amount, and they have not paid rent for October 2008. The landlord seeks an order of possession and a monetary order for September's rent and loss of revenue for October.

The tenant seeks a reduction in rent of \$50 for loss of use of a washing machine. The landlord confirmed that the washing machine broke down in mid-August, and he had it replaced on September 13, 2008. The tenant acknowledged in the hearing that she did not incur any costs for doing laundry elsewhere while the washing machine was not working. The tenant's application regarding an order for repairs also applies to the washing machine. The tenant did not provide any testimony to support her application for an order that the landlord comply with the Act, aside from stating that the landlord is treating her unfairly and is constantly serving notices to end tenancy.

Analysis

The tenant did not pay the rent indicated on the notice to end tenancy, and I find that the notice is valid. The landlord is entitled to an order of possession.

I find that the tenant did not provide sufficient evidence to support any of her claims, and I therefore dismiss the tenant's claim in its entirety.

In regard to the landlord's monetary claim, I find that the landlord is entitled to \$600 for September's rent. I find that the landlord's claim for loss of revenue for October is premature, and I therefore dismiss that portion of the landlord's claim with leave to reapply. The landlord is entitled to recovery of the \$50 filing fee, for a total of \$650.

Conclusion

The landlord is entitled to an order of possession effective two days from service on the tenants. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 67 for the balance due of \$650. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 02, 2008.