



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, MNDC, OLC, RP, LRE, FF

Introduction

This hearing dealt with an application by the tenant to cancel a notice to end tenancy for unpaid rent, a monetary order for compensation or loss, have the landlord comply with the act, have the landlord make repairs to the unit, suspend or set conditions for entry by the landlord and recovery of the filing fee. Both parties participated in the conference call hearing.

Issues to be Decided

Is the tenant entitled to any of the above under the Act.

Summary of Background and Evidence

This tenancy started in October 19, 2010 with rent of \$775.00, the tenant paid a security deposit of \$387.50. On November 2, 2010 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The tenant testified that the original move in date was changed from October 15th to October 19th and that when he took possession of the unit there was no fridge or stove. The tenant found the rental unit to be roach infested and emailed his landlord about the roaches and repairs that the tenant required in the unit. The tenant requested a deduction in his rent for the lack of appliances and overall condition of the unit. The landlord verbally told the tenant that he would be able to deduct ½ of November's rent but as the tenant was not confident that the information provided was correct, the tenant withheld all of the November rent. The tenant then vacated the rental unit on November 15th to comply with the 10 day notice for unpaid rent.

The landlord's agent testified that the installation of the appliances was late as they had been back ordered by the supplier. The landlord's agent stated that the tenant had been told that he could deduct ½ of November's rent for the lack of appliances and repairs however no November rent was paid by the tenant and the tenant vacated the rental unit November 15. The rental unit remained empty for the remainder of November and the landlord suffered a financial loss of \$775.00 in unpaid rent. The landlord's agent stated that all repairs the tenant requested were completed and the building was sprayed for the roach infestation.



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The landlord currently holds a security deposit of \$387.50 and has made application to retain the deposit in another hearing.

Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. As the tenant has vacated the rental unit the landlord does not require an order of possession.

Based on the documentary evidence and testimony I find that issues raised by the tenant were dealt with by the landlord in a timely manner. As the tenant has vacated the rental unit the application to have the landlord comply with the act, to have the landlord make repairs to the unit and to suspend or set conditions for entry by the landlord are hereby dismissed.

Based on the documentary evidence and testimony I find that the tenant's application for a monetary order for compensation or loss and recovery of the filing fee have not been substantiated and these requests are hereby dismissed.

Conclusion

I hereby dismiss the tenant's application without leave to reapply.

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: November 30, 2010

Dispute Resolution Officer