



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, OPR, MNR, MNSD, RP, RR, FF

Introduction

This was the hearing of applications by the landlord and by the tenants. The tenant applied to cancel a 10 day Notice to End Tenancy for unpaid rent. The tenants also requested a repair order and a rent reduction. The hearing was conducted by conference call. The landlord's representative participated in the hearing. The tenants did not attend although they were notified of the hearing.

Background and Evidence

The rental unit is a residential house. The tenancy began on August 1, 2010 for a one year fixed term and thereafter month to month. Monthly rent in the amount of \$1,595.00 is payable on the first of each month. The tenants paid a security deposit of \$797.50 at the commencement of the tenancy.

The tenants' rent cheque for the month of November was returned marked "NSF". The landlord served the tenants with a 10 day Notice to End Tenancy for unpaid rent in person on November 11, 2010. The Notice was incorrectly dated November 12, 2010.

The tenants applied for dispute resolution to cancel the Notice to End Tenancy. The tenants acknowledged in their application that rent was unpaid and they gave reasons with respect to alleged deficiencies in the rental unit for withholding rent payments, but they did not have an order authorizing them to do so. The tenants did not pay rent for December and the landlord's representative testified that the tenants recently

abandoned the rental unit. The landlord has possession of the rental unit and an order for possession is no longer required.

In the absence of an appearance by the tenants at this hearing I dismiss their application without leave to reapply.

The tenants have not paid rent for November or December, 2010 in the amount of \$3190.00; I find that the landlord is entitled to a monetary award in that amount as well as the \$50.00 filing fee for this application for a total claim of \$3,240.00. I order that the landlord retain the deposit and interest of \$797.50 in partial satisfaction of the award and I grant the landlord an order under section 67 for the balance of \$2,442.50. This order may be registered in the Small Claims Court and enforced as an order of that court.

Dated: December 09, 2010.
