



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI CNR FF O

Introduction

This hearing dealt with an application by the tenants to cancel a notice to end tenancy and to dispute a rent increase. Despite having been personally served with the application for dispute resolution and notice of the hearing on August 10, 2011, the landlord did not attend the teleconference hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

What is the correct amount of monthly rent?

Background and Evidence

The tenancy began in February 2010. At the outset of the tenancy, the monthly rent was \$500. In November or December 2010, the tenant and the landlord entered into a new written agreement whereby the monthly rent was reduced to \$400.

On July 26, 2011 the landlord served the tenants with a 10 day notice to end tenancy for unpaid rent. The notice indicated that the tenants had failed to pay \$1597.96 in rent that was due July 1, 2011. The tenants enquired but did not receive an explanation from the landlord how it was determined that they owed unpaid rent in the amount indicated on the notice to end tenancy. The landlord was unable to provide the tenants with a copy of their current rental agreement or any rent receipts. The landlord informed the tenants in August 2011 that their monthly rent was \$500.

Analysis

Based on the tenants' undisputed evidence, I find as follows. I am satisfied that the tenants and the landlord made an agreement that set the monthly rent at \$400. The landlord did not appear in the hearing to provide any explanation for the monetary

amount of \$1597.96 set out on the notice to end tenancy. I therefore find that the notice to end tenancy is not valid.

Conclusion

The notice to end tenancy is cancelled, with the effect that the tenancy continues.

The monthly rent is \$400 and may not be increased except in accordance with the Residential Tenancy Act.

As the tenants' application was successful, they are entitled to recovery of the \$50 filing fee for the cost of their application. The tenants may deduct that amount from their next month's rent.

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: September 13, 2011.

Residential Tenancy Branch