



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes:**

OLC; O

### **Introduction**

This is the Tenant's application for an Order that the Landlord comply with the *Residential Tenancy Act* (the "Act"), the *Residential Tenancy Regulation* (the "Regulation") or tenancy agreement.

The parties gave affirmed testimony at the Hearing.

### **Issue(s) to be Decided**

- (1) Should the Landlord be ordered to comply with the Act, Regulation or tenancy agreement?

### **Background and Evidence**

The Tenants' advocate stated that the Tenants were concerned about a notice that the Landlord delivered on December 29, 2011, indicating that they had to get rid of their cat by February 1<sup>st</sup> or face immediate eviction. The Tenants provided a copy of the notice in evidence.

The Tenant's advocate stated that the Tenants have had a cat ever since moving into the rental unit five years ago and that the Landlord was aware of this fact.

The Tenants' advocate stated that the Tenants were also concerned about a paragraph in the notice that states that rent has to be paid by the last day of each month or there will be a \$20.00 late fee.

The Landlords testified that there was no need for the Tenants to file their application on January 8, 2012, because the notice was withdrawn on December 30, 2011. They stated that any occupants with pets have had their pets "grandfathered" and that they provided all occupants with a new notice to that effect.

There is no written tenancy agreement between the parties. The parties agree that rent is due on the first day of each month.

### **Analysis**

The Tenants' application does not specify what section of the Act or Regulation they seek to have the Landlords ordered to comply with. The Landlords have not issued a Notice to End Tenancy in an approved form. The Landlords have not imposed a \$20.00 late fee for rent paid after the last day of each month. The Landlords withdrew their notice dated December 29, 2011, prior to the date that the Tenants filed their Application for Dispute Resolution. Therefore the Tenants' application for an Order that the Landlord comply with the Act, Regulation or tenancy agreement is dismissed.

During the course of the Hearing, I encouraged the parties to sign a tenancy agreement. I also advised the parties about the provisions of Sections 47 and 52 of the Act, and that rent that is due on the first day of the month does not have to be paid on the day before the first, but can be paid any time up to the end of the day on the first.

### **Conclusion**

The Tenant's application for an Order that the Landlord comply with the Act, Regulation or tenancy agreement is dismissed.

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: February 03, 2012.

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Residential Tenancy Branch