



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Norman Estates Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

OLC

Introduction

This was an orally amended application by the tenant for an Order compelling the landlord to comply with the Act. The hearing was conducted by conference call. The tenant participated in the hearing. The landlord did not attend although the tenant testified they were personally served with the application and Notice of Hearing on or about February 05, 2013 purportedly in the presence of a witness.

Issues(s) to be Decided

Should the landlord be Ordered to comply with the Act?

Background and Evidence

The undisputed testimony of the tenant is that the landlord has refused to provide the tenant with receipts for all rent paid in cash for May 2012 to February 2013. The tenant testified the landlord has expressed a willingness to provide the receipts on condition the tenant pays \$15.00. The tenant also testified that in some months they paid the landlord by cheque. The tenant testified that all payable rent is current to February 28, 2013 – that is, there is currently no arrears in rent.

Analysis

Based on the undisputed testimony of the tenant, I find Section 26 of the Residential Tenancy Act (the Act), in part, states as follows:

Rules about payment and non-payment of rent

26 (2) A landlord must provide a tenant with a receipt for rent paid in cash.

I accept the tenant's testimony as establishing the landlord has not provided the claimed receipts for all rent paid in cash, and I find the tenant is entitled to such receipts for rent paid in cash to confirm the payable rent has been satisfied.

As a result,

I Order the landlord to comply with Section 26 of the Act in that within 15 days of the date of this Decision the landlord provide the tenant with receipts for all of the months May 2012 to February 2013 in which the tenant has satisfied the payable rent in cash. I add that the landlord may, at their option, satisfy this Order by providing the tenant with a single, signed and dated written or prepared document with the following text:

"This is verification that the tenant's payable rent for (address of rental unit) is current and has been paid up to February 28, 2013 "

If the landlord does not comply with this Order the tenant is at liberty to apply for dispute resolution, including compensation.

Conclusion

The landlord has been Ordered to comply with Section 26 of the Act within 15 days of this Decision date.

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 27, 2013

Residential Tenancy Branch

