



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, DRI, CNR

Introduction

This hearing concerns the tenant's application for more time to make an application to cancel a notice to end tenancy / to dispute an additional rent increase / and cancellation of a notice to end tenancy for unpaid rent. The tenant attended and gave affirmed testimony.

The tenant testified that she served the landlords with the application for dispute resolution and notice of hearing (the "hearing package") in-person on October 21, 2013. Despite this, neither landlord appeared.

Issue(s) to be Decided

Whether the tenant is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

While there is a "Shelter Information" document in evidence, there is no written tenancy agreement for this tenancy which is understood to have begun on or about August 16, 2013. Monthly rent is \$775.00, and a security deposit of \$250.00 was collected.

If she is the sole tenant, the tenant receives \$775.00 per month toward rent from the Ministry of Social Development and Social Innovation ("MSDSI"). However, if she shares a unit with another tenant, she receives \$500.00 per month toward rent.

In the circumstances of this dispute, the tenant shares the unit with another tenant and MSDSI sends payment of \$500.00 per month directly to the landlords. It is understood that the balance of rent due each month is paid by the other tenant.

It is further understood that the MSDSI payment does not coincide with the 15th day of each month which is when the landlords require rent to be paid. This has contributed to some difficulty between the landlords and the tenant, and the landlords issued a 10 day

notice to end tenancy for unpaid rent dated September 15, 2013. Matters have been further complicated by a change in co-tenant, and a short term absence by the tenant arising from a death in the family.

Full details related to service of the notice, understandings reached between the parties around payment of rent, and exact dates and amounts of rent that have been paid and / or remain outstanding are not clear. In part, this is the result of no appearance by the landlords and no documentary submissions by the landlords in response to the tenant's application for dispute resolution.

Analysis

Based on the affirmed / undisputed testimony of the tenant, and in the absence of sufficient and conclusive documentary evidence, I make no finding related to the current status of the tenant's rent. In the meantime, the 10 day notice to end tenancy is hereby set aside, with the effect that the tenancy continues uninterrupted.

Conclusion

The landlords' notice to end tenancy is hereby set aside, and the tenancy presently continues in full force and effect.

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: December 03, 2013

Residential Tenancy Branch

