



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about January 1, 2005. Rent in the amount of \$1550.00 is payable in advance on the first day of each month.

The landlord gave the following testimony:

The landlord stated that the tenants have fallen behind in their rent payments since October 2013. The landlord stated that "I think I served the 10 Day Notice on March 16, 2014". The landlord stated that the amount of unpaid rent "is about \$2130.00".

The tenants gave the following testimony:

The tenants stated they are not sure when the notice was issued. The tenants stated that the amount of rent the landlord is seeking is incorrect. The tenants stated that they had filed for dispute resolution but due to an oversight at the Branch their file was not processed for this hearing. The tenants stated that they would be willing to work out an arrangement with the landlord to resolve the issues.

Analysis

The relationship between these two parties is an acrimonious one. Both parties were cautioned numerous times about their insistence at interrupting one another and yelling

during the conference. Both parties were extremely agitated and as the tenant stated "we're all totally stressed out about all of this "

A notice to end tenancy is a vital and critical part of a landlord's application. It is not a trivial document. It was explained to the landlord the importance of the notice. As there is no notice before me and the substance, date, amount of rent owing and the service of that notice is in dispute, I set aside any notice issued by the landlord to the tenant up until the date the landlord filed for dispute resolution on March 24, 2014. The landlord is at liberty to issue a new notice and may be dealt with in a separate if required.

Based on the above I dismiss the landlords' application for an order of possession and dismiss her request for a monetary order with leave to reapply.

The tenancy continues uninterrupted on the original terms of the tenancy agreement.

Conclusion

The landlords' application for an order of possession is dismissed and I dismiss her request for a monetary order with leave to reapply.

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: May 08, 2014

