



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding #0955802 BC Ltd. and #0757745 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MNDC

Introduction

This is an application filed by the tenant for an order cancelling the notice to end tenancy issued for unpaid rent and a request for a monetary order for money owed or compensation for damage or loss.

The tenant attended the hearing by conference call and gave undisputed testimony. The landlord did not attend or submit any documentary evidence. The tenant states that he personally served the landlord on September 9, 2014 with the notice of hearing package and the submitted documentary evidence. I accept the undisputed direct testimony of the tenant and find that the landlord has been properly served with the notice of hearing and submitted documentary evidence in person on September 9, 2014.

Issue(s) to be Decided

Is the tenant entitled to an order cancelling the notice to end tenancy?
Is the tenant entitled to a monetary order?

Background and Evidence

The tenant stated in his direct testimony that his tenancy began in August of 2012 and that is on a month to month term for his signed tenancy agreement. The tenant states that his monthly rent is \$425.00 and that a \$200.00 security deposit was paid.

The tenant states that he was served with a 10 day notice to end tenancy posted to his rental unit door on September 8, 2014. The tenant has submitted a copy of the notice which states that rent of \$1,425.00 was unpaid and due on September 1, 2014.

The tenant stated that his monthly rent is \$425.00 which is directly paid by the ministry to the landlord and has provided a document which shows that the landlord was paid \$425.00 for September 2014 rent. The tenant states that the landlord has issued a total of 5 unsubstantiated eviction notices since May 27 after being served with a summons

to a payment hearing for a previous dispute on RTB file 818742. The tenant states that the landlord and his agent were both issued with no contact orders by the Police on September 5 following an incident where the tenant was assaulted by KN. The tenant states that since this occurred a non profit society has taken over as property managers. The tenant states that the landlord has been previously cited for harassment over the first two eviction notices that were dismissed by the RTB and seeks a monetary order for \$250.00 which is the same amount awarded in another RTB decision, 822130. The tenant states that this is a fair amount that was requested previously and granted by an Arbitrator.

Analysis

I accept the undisputed evidence of the tenant and find that the tenant's monthly rent to be \$425.00 and that there are no arrears as the rent is directly paid by the ministry to the landlord. The landlord has failed to attend to substantiate the claim of unpaid rent of \$1,425.00. The tenant's request to cancel the 10 day notice to end tenancy for unpaid rent dated September 8, 2014 is granted. The notice is set aside and the tenancy shall continue.

As for the monetary claim, I accept the undisputed evidence of the tenant and find that the tenant has yet again been served with an unsubstantiated notice to end tenancy and has suffered a loss of quiet enjoyment. I find that the tenant has established a claim for a monetary order for \$250.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant's application to cancel the notice to end tenancy is granted.
The tenant is granted a monetary order for \$250.00.

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: October 29, 2014

Residential Tenancy Branch

