



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, O, OPR, OPC, OPB, MNR, FF

### Introduction

In the first application the tenants seek to cancel a ten day Notice to End Tenancy dated July 1, 2014 and for other, unspecified relief.

In the second application the landlord seeks an order of possession pursuant to that Notice and a one month Notice to End Tenancy and pursuant to an alleged breach of an unspecified agreement. She also seeks a monetary award for unpaid rent.

The matter first came on for hearing before Arbitrator Nadler August 19, 2014. No one attended that hearing and so the applications were dismissed with leave to re-apply. The landlord applied for review of that decision based on the fact that she had been unable to gain access to the hearing due to technical difficulties within the government conference call system. That review was successful and the matters were set down to be hearing this day.

The review decision directs the landlord to serve the tenants with the review decision and attached hearing letters. At this hearing the landlord testified that she personally served both tenants with that material on September 16, 2014.

Neither tenant attended this hearing. If it can be considered that their application 823336 was re-opened by the landlord's review and was properly before me at this hearing, then the tenants' application to cancel the ten day Notice is dismissed.

As a result, this tenancy ended on July 17, 2014 and the landlord will have an order of possession.

On the undisputed evidence of Ms. P. I find that the tenants have paid no rent since February 2014. As her application seeks \$3500.00 and the rent was \$700.00 per

month, I award her unpaid rent for the months March to July, 2014 inclusive; a total of \$3500.00. She is free to apply for loss incurred after that.

I also award the landlord recovery of the \$50.00 filing fee and authorize her to retain the \$350.00 security deposit in reduction of the amount awarded. There will be a monetary order against the tenants jointly and severally for the remainder of \$3200.00.

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 30, 2014

---

Residential Tenancy Branch

