Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   CNR, ERP, RR, FF, MNSD, CNL, FF,

<u>Introduction</u>

The applicant tenants failed to contact the telephone bridge number at the scheduled start of the hearing. The landlord was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant tenants failed to appear. I proceeded with the hearing in the absence of the tenants. .

The tenants have filed two Applications for Dispute Resolution. The first one was filed on September 9, 2014 and seeks an order to cancel a two month Notice to End Tenancy and a monetary order in the sum of $2925. The landlord is identified as CE. CE has since passed away. The second Application for Dispute Resolution seeks was filed on October 6, 2014 and seeks an order to cancel a 10 day Notice to End Tenancy, an order to make emergency repairs, and an order to allow the tenant to reduce the rent for repairs, services or facilities agreed upon but not provided. The respondents are identified as AT and the Estate of CE.

<u>Issue(s) to be Decided</u>

The issues to be decided in the Application for Dispute Resolution that was filed on September 9, 2014 are as follows:

  a. Whether the tenants are entitled to an order to cancel a two month Notice to End Tenancy
  b. Whether the tenants are entitled to a monetary order in the sum of $2925 or a portion thereof?
  c. Whether the tenants are entitled to recover the cost of the filing fee?

The issues to be decided in the Application filed on October 6, 2014 are as follows:

    a. Whether the tenants are entitled to an order to cancel a 10 day Notice to End Tenancy dated October 2, 2014?

    b. Whether the tenants are entitled to an order for emergency repairs?

    c. Whether the tenants are entitled to an order to reduce the rent for repairs, services or facilities agreed upon but not provided?

    d. Whether the tenants are entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began in March or April of 2014. The rent was $1950 per month payable on the first day of each month. The tenant(s) provided the landlord a cheque in the sum of $950 for the security deposit. However, that cheque was returned NSF. The tenants vacated the rental unit on October 16, 2014.

Application for Dispute Resolution filed September 9, 2014:

The tenants failed to attend the hearing. The landlord was present and ready to proceed. As a result I ordered that the application of the tenants filed on September 9, 2014 be dismissed without liberty to re-apply.

Application for Dispute Resolution filed October 6, 2014:

The tenants failed to attend the hearing. The landlord was present and ready to proceed. As a result I ordered that the application of the tenants filed on October 6, 2014 be dismissed without liberty to re-apply.

Order for Possession

The landlord expressed concern that the tenants may try to retake possession and requested an Order for Possession. The tenant's application filed on October 6, 2014 included an application to cancel the 10 day Notice to End Tenancy. That application was dismissed without leave to re-apply. The Residential Tenancy Act provides that

where a landlord has made an oral request for an Order for Possession at a hearing where a dispute resolution officer has dismissed a tenant's application to set aside a Notice to End Tenancy, the dispute resolution officer must grant an Order for Possession. The landlord made this request at the hearing. **As a result I granted the landlord an Order for Possession on 2 days notice.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: November 04, 2014

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Residential Tenancy Branch