



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent. At hearing the parties agreed that the tenant will vacate the premises by Sunday, February 22, 2015 and the landlord will have an order of possession for one o'clock on that date.

The landlord also seeks a monetary award for unpaid rent and utilities and damages for loss of future rental income.

Issue(s) to be Decided

Does the relevant evidence presented at hearing show on a balance of probabilities that the landlord is entitled to a monetary award?

Background and Evidence

The rental unit is a five bedroom house.

The tenancy started December 11, 2014 for a two year fixed term ending December 9, 2016 at a monthly rent of \$4980.00.

The tenant provided the landlord with a \$3373.55 cheque for the pro rata rent for the remainder of December and a \$2490.00 cheque for the agreed security deposit. Both cheques were dishonoured by the tenant's bank due to insufficient funds.

On January 10, 2015 the tenant provided the landlord with a third cheque of \$7425.00. It was also dishonoured by the tenant's bank.

In summary, the tenant has lived in the home since December 11, 2014 and has not paid the landlord any money at all.

The tenant replied that the home is virtually unliveable due to drainage problems and that the home was without heat during December. He indicates that someone possibly representing the landlord attacked his son and that the police are involved.

Analysis

Section 26 of the *Residential Tenancy Act* provides that a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement.

Conclusion

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: February 19, 2015

Residential Tenancy Branch

