



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, RR, FF

Introduction

A hearing was conducted by conference call in the presence of the respondent and in the absence of the applicant. The telephone line conference line remained open and the phone system was monitored for ten minutes. The hearing was recalled 10 minutes after the scheduled start and the applicant still had not appeared. I then proceeded with the hearing in the absence of the applicant.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated May 29, 2015?
- b. Whether the tenant is entitled to a monetary order in the sum of \$1640 or a reduced amount?
- c. Whether the tenant is entitled to an order for the reduction of rent for repairs, services or facilities agreed upon but not provided?

Background and Evidence

The tenancy began on July 1, 2013 when the parties entered into a six month fixed term tenancy that was to end on December 31, 2013 and become month to month after that. The tenancy agreement provided that the tenant(s) would pay rent of \$800 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$400 on June 13, 2013. The present rent is \$820 per month.

The landlord testified the tenant has paid the rent late for almost every month since moving in with the exception of the first month.

Analysis

Grounds for Termination:

The Notice to End Tenancy relies on section 47(1)(b) of the Residential Tenancy Act. That section provides as follows:

Landlord's notice: cause

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or

more of the following applies:

...

(b) the tenant is repeatedly late paying rent;

Determination and Orders:

In the absence of any evidence or submissions from the tenant I order the application of the tenant to cancel the one month Notice to End Tenancy be dismissed without liberty to reapply. As the rent for July has been paid I order that the tenancy shall end on July 31, 2015. I further order that the application of the tenant for a monetary order and an order for the reduction of rent be dismissed without leave to re-apply.

Order for Possession:

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.

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: July 16, 2015

Residential Tenancy Branch

