



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      Landlord: OPR, MNR, FF  
                             Tenants: CNR, ERP

### Introduction

This hearing dealt with cross Applications for Dispute Resolution. The landlord sought an order of possession and a monetary order. The tenants sought to cancel a notice to end tenancy and an order to have the landlord make emergency repairs.

The hearing was conducted via teleconference and was attended by the landlord.

The landlord testified each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on December 14, 2015 in accordance with Section 89.

Based on the undisputed testimony of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to the *Act*. In addition, I find that this hearing was originally scheduled as a result of the tenants' Application for Dispute Resolution dealing with the same issues as the landlord's Application. As a result, I am satisfied the tenants were aware of this hearing and the matters raised in both Applications.

### Issue(s) to be Decided

The issues to be decided are whether the tenants are entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and an order to have the landlord complete emergency repairs, pursuant to Sections 33 and 46 of the *Act*.

It must also be decided if the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

### Background and Evidence

The landlord testified the tenancy began in August 2007 as a month to month tenancy for the current monthly rent of \$1,100.00 due on the 1<sup>st</sup> of each month with a security deposit of \$550.00 held. The landlord submits the tenants currently owe \$6,700.00 in rental arrears.

The landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent on December 6, 2015 with an effective vacancy date of December 12, 2015 due to \$6,700.00 in unpaid rent. The tenants submitted a copy of the Notice.

### Analysis

As the tenants have failed to attend this hearing and present any evidence as to why the Notice should be cancelled, I dismiss the tenants' Application for Dispute Resolution in its entirety and without leave to reapply.

Section 52 of the *Act* requires that any notice to end tenancy issued by a landlord must be signed and dated by the landlord; give the address of the rental unit; state the effective date of the notice, state the grounds for ending the tenancy; and be in the approved form.

I find the 10 Day Notice to End Tenancy for Unpaid Rent issued by the landlord on December 6, 2015 complies with the requirements set out in Section 52.

Section 55(1) of the *Act* states that if a tenant applies to dispute a landlord's notice to end tenancy and their Application for Dispute Resolution is dismissed or the landlord's notice is upheld the landlord must be granted an order of possession if the notice complies with all the requirements of Section 52 of the *Act*.

As I have dismissed the tenants' Application for Dispute Resolution I find the landlord is entitled to an order of possession pursuant to Section 55(1).

I also find, based on the landlord's undisputed testimony and evidence that the tenants have failed to pay rent in the amount of \$6,700.00.

### Conclusion

I find the landlord is entitled to an order of possession effective **two days after service on the tenants**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$6,750.00** comprised of \$6,700.00 rent owed and the \$50.00 fee paid by the landlord for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be enforced as an order of that Court.

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 02, 2016

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Residential Tenancy Branch

