



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MDSD & FF

Introduction

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order to cancel the one month Notice to End Tenancy dated October 15, 2016
- b. An order that the landlord make emergency repairs
- c. An order that the landlord pay to the Tenant the cost of the filing fee.
- d. An order for compensation in the sum of \$2466
- e. An order that the landlord make emergency repairs.
- f. An order that the landlord provide services or facilities required by law
- g. An order that the landlord comply with the Act, regulation and/or the tenancy agreement
- h. An order for repairs.
- i. An order to reduce rent for repairs, services or facilities agreed upon but not provided.

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for cause.
- b. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the landlord and in the absence of the Tenants who failed to appear. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was served on the Tenants by posting on October 15, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the Landlords was personally served on Tenants on November 12, 2016. With respect to each of the applicant's claims I find as follows:

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 October 15, 2016?
- b. Whether the tenant is entitled to an order that the landlord comply with the Act, regulation and/or the tenancy agreement?
- c. Whether the tenant is entitled to a monetary order and if so how much?

- d. Whether the tenant is entitled to an order that the landlord provide services or facilities required by law?
- e. Whether the tenant is entitled to an order for emergency repairs or repairs.
- f. Whether the tenant is entitled to an order to reduce rent for repairs, services or facilities agreed upon but not provided?
- g. Whether the tenant is entitled to an order to recover the cost of the filing fee?
- h. Whether the landlord is entitled to an Order for Possession?
- i. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 1, 2016. The rent is \$1550 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$775 prior to the start of the hearing.

The tenant(s) failed to pay the landlord for utilities for November and has failed to pay the rent for the month Decembers. The landlord testified she heard the Tenants vacating the rental unit on December 5, 2016 but they have left many of their larger items. .

Tenant's Application:

The tenants failed to attend the hearing. I determined the landlord has sufficient cause to end the tenancy. As a result I dismissed the Tenants' application to cancel the one month Notice to End Tenancy dated October 15, 2016 without leave to re-apply. The tenancy shall come to an end.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. 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.

I dismissed the tenants' application for a monetary order in the sum of \$2644 and for a reduction of rent without leave to re-apply as the tenants failed to appear at the hearing and failed to give sufficient affirmed evidence to establish their claim.

I dismissed the balance of the tenants' claims as the tenancy is coming to an end and the a determination of those issues is no longer relevant.

Landlord's Application:

Analysis - Order of Possession:

For the reasons set out above I determined the landlords are entitled to an Order for Possession. The Tenants' application to cancel the one month Notice to End Tenancy has been dismissed on two 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.

Analysis - Monetary Order and Cost of Filing fee:

I determined the landlord is entitled to recover the cost of the filing fee. I ordered the Tenants pay to the Landlords the sum of \$100 for the cost of the filing fee.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

Conclusion:

In summary I dismissed the tenants' application as they failed to appear. I granted an Order for Possession on 2 days notice. I ordered that the Tenants pay to the Landlords the cost of the filing fee in the sum of \$100.

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: December 09, 2016

Residential Tenancy Branch