



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

Dispute Codes                      CNR, OPR, MNR & FF

The Application for Dispute Resolution filed by the Tenants seeks an order to cancel the 10 day Notice to End Tenancy dated August 4, 2017

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

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$140 for unpaid rent
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the tenants and in the absence of the landlord although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. The parties acknowledged they had received the documents of the other party.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on August 4, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the Tenants was personally served on the landlord on August 14, 2017. 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 tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated August 4, 2017?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The tenancy started in 2015. The rent is \$600 per month payable on the first day of each month. The tenants paid a security deposit of \$304 at the start of the tenancy.

The tenant(s) continue to reside in the rental unit.

Tenant's Application:

The tenants testified that they do not owe any rent and that their rent is paid in full each month by the Ministry. The amount the landlord is claiming as rent was in fact a claim the landlord is making for the cost of removing furniture. They dispute that the landlord is entitled to make this claim.

Determination and Orders:

After carefully considering all of the evidence I determined that the landlord has failed to establish sufficient cause to end the tenancy. I determined the amount the landlord is claiming is not rent and as a result cannot be used as the basis for a 10 day Notice to End Tenancy.

As a result I ordered that the 10 day Notice to End Tenancy dated August 4, 2017 be cancelled. The tenancy shall continue with the rights and obligations of the parties remaining unchanged.

Landlord's Application

The landlord failed to attend the hearing. For the reasons set out above I dismissed the landlord's application for an Order of Possession.

Analysis - Monetary Order and Cost of Filing fee:

I dismissed the landlord's claim of \$140 and to recover the cost of the filing fee without leave to re-apply. The landlord failed to appear at the hearing and failed to present sufficient evidence to establish this claim.

**This decision is final and binding on the parties.**

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 02, 2017

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Residential Tenancy Branch