



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant: CNR LRE OLC
Landlord: OPB OPN MNR FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on January 18, 2018.

The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the “Act”):

- cancel the 10 Day Notice for Unpaid rent or utilities;
- an order to suspend or set conditions on the Landlord's right to enter the rental unit pursuant to section 70; and,
- an order requiring the Landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

The Landlord applied for the following relief:

- an order of possession because the Tenants gave written notice to end the tenancy and an because the Tenants signed an agreement to vacate the unit after a fixed term; and,
- a monetary order for unpaid rent or utilities.

The Landlord attended the hearing and provided testimony. However, the Tenants did not attend. The Landlord was provided the opportunity to present his evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified that he no longer requires an order of possession given that the Tenants have already vacated the rental unit and I have amended the Landlord's application to reflect this.

The Landlord testified that this cross application hearing was originally set to be heard on January 8, 2018. However, there was a discrepancy with the time listed on his Notice of Hearing. The Notice of Hearing our office provided to him indicated the hearing was at 9:00 am. The Landlord stated that he attended the hearing at 9:00 am and no one showed up at that

time, but after getting in touch with our office, it became apparent that the Notice he was issued listed the wrong time (the Tenants' Notice of Hearing listed 11:00 am). Given all of this, our office rescheduled the hearing and regenerated the Notice of Hearing. Our office emailed copies of this document to each party via email. Each party had provided an email address as part of their online application. I find both parties were sufficiently served with this Notice of Hearing, for the purposes of this *Act*.

The Tenants did not appear at this hearing. As such, I dismiss the Tenants' application in its entirety, without leave to reapply.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Is the Landlord entitled to a monetary order for unpaid rent or utilities?

Background and Evidence

The Landlord testified that rent in the amount of \$1,700.00 is due on the first of each month. The Landlord stated that he has not received rent for several months.

The Landlord stated that he served the 10 Day Notice to End Tenancy for Unpaid Rent on October 10, 2017, and one of the Tenants was hostile towards him at the time of service (in person). The Landlord stated that he has not received any rent since issuing the 10 Day Notice, despite the Tenants remaining in the rental unit. The Landlord stated that the Tenants moved out of the rental unit sometime in the second week of January 2018.

The Landlord stated that the Tenants now owe rent for October, November, December of 2017 and January of 2018, totalling \$6,800.00 in unpaid rent.

Analysis

Based on the unchallenged affirmed testimony and documentary evidence, and on a balance of probabilities, I find as follows:

Section 26 of the *Act* confirms that a tenant must pay rent when it is due unless the tenant has a right under the *Act* to deduct all or a portion of rent.

With respect to the Landlord's request for a Monetary Order for unpaid rent, I find there is sufficient evidence from the Landlord's documentary evidence and testimony before me to demonstrate that the Tenants owe and have failed to pay \$6,800.00 in rent for October of 2017 through till January 2018.

Further, section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the Landlord was successful in this hearing, I order the Tenants to repay the \$100.

In summary, I find the Landlord is entitled to a monetary order in the amount of \$6,900.00

Conclusion

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$6,900.00**. 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: January 18, 2018

Residential Tenancy Branch