



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Cascadia Apartment Rentals Ltd  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      Tenant: CNR RP RR FF  
Landlord: OPR MNR FF

### Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on February 23, 2018.

The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- cancel the 10 Day Notice to End Tenancy for Unpaid rent or utilities (the Notice);
- An order for the Landlord to make repairs made to the unit, site or property.
- An order to allow the Tenant to reduce rent for repairs, services or facilities agreed upon but not provided.

The Landlord applied for the following relief:

- an order of possession based the 10 Day Notice to End Tenancy; and,
- a monetary order for unpaid rent or utilities.

The Landlord attended the hearing and provided testimony. However, the Tenant 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 and I have amended the Landlord's application to reflect this. The Landlord testified that he served the Tenant with his Notice of Hearing, and evidence on December 22, 2017, in person. I am satisfied that the Tenant was served the package on this day.

The Tenant did not appear at this hearing. As such, I dismiss the Tenant's 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 \$1,147.00 is due on the first of each month. The Landlord stated that he did not receive any rent for December of 2017. The Landlord stated that he does not wish to end the tenancy at this point, he just wants to recover the rent from December 2017. The Landlord stated that the Tenant generally pays her rent on time, and it was just December 2017 that remains outstanding.

The Landlord stated that he served the 10 Day Notice to End Tenancy for Unpaid Rent (in the amount of \$1,147.00) on December 6, 2017, in person.

#### 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.

I find there is insufficient evidence the Tenant had any right under the *Act* to withhold 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 Tenant owes and has failed to pay \$1,147.00 in rent for December of 2017.

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 Tenant to repay the \$100.

In summary, I find the Landlord is entitled to a monetary order in the amount of \$1,247.00

Conclusion

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$1,247.00**. 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: February 26, 2018

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Residential Tenancy Branch