



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, RP, LRE, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant, to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, to have the landlords make emergency repairs for health and safety reasons, for repairs to the rental unit, for a monetary order for compensation under the Act, to suspend or set conditions on the landlord's right to enter the rental unit and to recover the cost of the filing fee from the landlords.

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Respondent. Therefore, as the Applicant did not attend the hearing by 9:40 A.M, and the Respondent appeared and was ready to proceed, **I dismiss the tenant's application without leave to reapply.**

Although the landlords are entitled to an order of possession pursuant to section 55 of the Act, as the tenant admitted that they withheld rent for April in their application for dispute resolution. The landlord stated that they are not seeking an order of possession, as they want the tenancy to continue.

The tenant is cautioned that they must pay rent in accordance with section 26 of the Act, whether or not the landlord complies with the Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent. Withholding rent simply because they feel entitled to do so, is not in compliance with the Act and puts their tenancy at serious risk.

Should the tenant withhold rent in the future without the authority to do so, the landlords can end the tenancy pursuant to section 46 of the Act.

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: May 23, 2019

Residential Tenancy Branch