



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OLC

Introduction:

The Application for Dispute Resolution filed by the Tenant(s) seeks an order that the landlord comply with the Act, Regulations and/or tenancy agreement.

A hearing was conducted by conference call in the presence of both parties. 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.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlords on May 28, 2019. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issue to be decided is whether the Tenant(s) are entitled to an order that the landlord comply with the Residential Tenancy Act, Regulations and/or tenancy agreement?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on November 1, 2015 and continue on a month to month basis. The present rent is \$875 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$400 at the start of the tenancy.

The tenancy agreement is silent on the method of payment. However, the tenant has paid the rent in cash from the start of the tenancy.

The tenant seeks an order that she be permitted to pay the rent through post dated cheques. She suffers from several health issues causing significant mobility problems. She receives her pension cheques on the last couple of days of the month. She is concerned that she may not be able to get to the bank to withdraw the rent money because of her health issues.

The landlord BH testified that her mother is the owner of the property and suffers from dementia and ill health. Her bank accounts are presently frozen. BH has filed a Committee application which is presently before the Supreme Court of British Columbia. The order granting her the power to handle her mother's estate has not yet been granted. She further submits that as her mother's bank accounts are frozen she would not be able to withdraw money for living expenses if the rent money was given to her in the form of a cheque.

The landlord BN represented that once she has been granted an order to handle her mother's estate she will advise the tenant and she will arrange with the tenant that she can pay the rent through e-transfer. She does not expect that will happen until August 2019.

Analysis

The tenancy agreement does not state how the rent money is to be paid. There is no legal authority under the provisions that the landlord comply with the tenancy agreement Act, or Regulations to make an order that the tenant be permitted to pay by post dated cheques as the tenancy agreement does not provide for this.

However, the parties have agreed as follows:

- a. The tenant will pay the rent by cash as she has done for all the payments of the tenancy until a Committee order has been granted. .
- b. The landlord BN shall advise the tenant that when she has been appointed as the Committee of her mother's estate by the Supreme Court of British Columbia.
- c. The parties shall make arrangements for the rent to be paid by e-transfer to the Committee of the Estate of UE upon the granting of that order by the Supreme Court of British Columbia.

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: July 09, 2019

Residential Tenancy Branch