



Dispute Resolution Services

Page: 1

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

Landlord: OPR MNR FF
Tenant: CNR

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on September 3, 2019.

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);

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 she no longer requires an order of possession, since the Tenant has moved out, and I have amended the Landlord's application to reflect this. Further, since the Tenant did not attend the hearing to support his own application, I dismiss his application, in full, without leave. Given the Tenant has already vacated, no order of possession will be issued.

The Landlord testified that she sent the Tenant her Notice of Hearing, and evidence on July 18, 2019, by registered mail. Proof of service was provided. Pursuant to section 89

and 90 of the Act, I deem the Tenant received this package on July 23, 2019, five days after it was mailed.

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 \$1,184.00 is due on the first of each month. The Landlord stated that she did not receive any rent for July or August of 2019. The Landlord stated that the Tenant left at the end of August without paying for the last two months. The Landlord holds a security deposit in the amount of \$525.00.

The Landlord stated that she served the 10 Day Notice to End Tenancy for Unpaid Rent (in the amount of \$1,184.00) on July 4, 2019, by posting it to the door of the rental unit. No rent was paid after that point.

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 \$2,368.00 in rent for July and August 2019.

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. Further, I authorize and order that the Landlord retain the security deposit to offset what the Tenant owes.

In summary, I find the Landlord is entitled to a monetary order in the amount of \$1,943.00

Conclusion

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$1,943.00**. This order must be served on the Tenant. If the Tenant fails 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: September 03, 2019

Residential Tenancy Branch