



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ER, OPR, MNR, FF

Introduction

In the first application the tenant seeks a repair order regarding a variety of alleged defects in the rental unit.

In the second application the landlords seek an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated and served July 4, 2019. They also seek a monetary award for rent arrears of \$1900.00 being July rent of \$1450.00 and previous arrears of \$450.00. By an additional application the landlords seek an early termination of the tenancy.

The tenant does not dispute that as of the date of the Notice she owed the claimed \$1900.00 and she has not paid rent since.

It would appear the tenant was unaware of s. 26 of the *Residential Tenancy Act* (the “Act”) which states that a tenant must pay rent even if her landlords are in breach of the Act or the tenancy agreement.

In result, the ten day Notice is a valid Notice and, by s. 46 of the Act has resulted in this tenancy coming to an end on July 15, 2019. The landlords are entitled to an order of possession.

I grant the landlords a monetary award of \$1900.00 for unpaid rent up to and including the rent for July 2019, plus recovery of the \$100.00 filing fee for their first application. I authorize the landlords to retain the \$725.00 security deposit in reduction of the amount awarded. They will have a monetary order against the tenant for the remainder of \$1275.00.

Regarding the tenant's request for a repair order, as this tenancy has ended such an order would be of no benefit to her and so I dismiss that application.

As stated at hearing, the tenant is free to apply for a monetary award based on her claimed lack of repair and the landlords are free to apply for a monetary award for occupation rent or loss of rental income after July 2019.

This decision was rendered orally at hearing and 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 06, 2019

Residential Tenancy Branch