



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, FF

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order to cancel the 10 day Notice to End Tenancy dated August 2, 2019
- b. An order disputing rent increase that is beyond the amount permitted by law.
- c. An order that the landlord provide services or facilities required by the tenancy agreement or by law.
- d. An order that the landlord make repairs. .

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:30 a.m. on October 4, 2019. A representative of the landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenants to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The representative of the landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was served on the Tenants by posting on August 2, 2019. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord on August 12, 2019. With respect to each of the applicant's claims I find as follows:

Issues to be Decided:

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated August 2, 2019?
- b. Whether the tenants are entitled to an order disputing rent increase that is beyond the amount permitted by law.

- c. Whether the tenants are entitled to an order that the landlord provide services or facilities required by the tenancy agreement or by law.
- d. Whether the tenants are entitled to an order that the landlord make repairs.

Background and Evidence:

The tenancy began on May 1, 2019. The rent was \$800 per month. The tenants initially paid a security deposit of \$400 but they did not have the full rent for May and the security deposit was applied to the outstanding rent by agreement between the parties.

The tenants failed to pay the rent for August 2019, September 2019 and October 2019.

The tenants continue to reside in the rental unit.

Analysis:

After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. The Tenants were served with a 10 day Notice to End Tenancy on August 2, 2019. The landlord used the approved government form. The tenants failed to pay the arrears within 5 days which would void the Notice. I accept the testimony of the agent for the landlord that the tenants have failed to pay the rent for August 2019, September 2019 and October 2019. I determined there was not basis for an order cancelling the 10 day Notice to End Tenancy. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy. I order that the tenancy shall end.

I dismissed all of the remaining claims in the tenants' application including the claim disputing a rent increase that was not permitted by law, for an order that the landlord provide services or facilities by the tenancy agreement or by law and that the landlord make repairs as the tenants failed to present sufficient evidence to prove these claims.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

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: October 04, 2019

Residential Tenancy Branch