



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, RP, MT, OPR, MNR, FF

Introduction

In the first application the tenant seeks to cancel a ten day Notice to End Tenancy for unpaid rent dated and received August 1, 2019. He also seeks a repair order.

In the second application the landlords seek an order of possession pursuant to the ten day Notice and a monetary award for unpaid rent.

It was determined at the start of the hearing that the tenant is no longer living in the rental unit and that the landlords have retaken possession. Therefore the issues of an order of possession or a repair order are no longer relevant.

All parties attended the hearing and were given the opportunity to be heard, to present sworn testimony and other evidence, to make submissions, to call witnesses and to question the other. Only documentary evidence that had been traded between the parties was admitted as evidence during the hearing.

Issue(s) to be Decided

What if any rent does the tenant owe?

Background and Evidence

The rental unit is a one bedroom suite attached to the landlords' house. The parties appear to disagree about whether or not there exists a written tenancy agreement. They do agree that the tenancy started February 1, 2019, the monthly rent is \$950.00, due on the first of each month and that the landlords hold a \$400.00 security deposit.

The landlord Mr. P.M. testified to the rent amounts paid by the tenant since February to show that as of August 1, the tenant was in arrears of \$2050.00, including August's rent.

The tenant indicated that Mr. P.M.'s record of payments "kind of sounds right." He offers no payment history of his own.

Analysis

On this evidence I find that grant the landlords' application and award them \$2050.00 for unpaid rent, plus recovery of the \$100.00 filing fee. I authorize the landlords to retain the \$400.00 security deposit in reduction of the amount awarded. They will have a monetary order against the tenant for the remainder of \$1750.00.

Conclusion

The landlords will have a monetary order against the tenant in the amount of \$1750.00

The tenant's application is dismissed.

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 15, 2019

Residential Tenancy Branch