



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: FFL MNRL-S OPR

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for:

- an Order of Possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

Both parties attended the hearing and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

The landlords requested a translator, but did not have one in attendance. The landlords confirmed that they were okay with proceeding with the scheduled hearing if all parties spoke slowly.

At the outset of the hearing, both parties confirmed that the tenants were served with a 10 Day Notice to End Tenancy for unpaid rent on June 30, 2020. As the Ministerial Order dated June 24, 2020 prohibits the issuance of a Notice to End Tenancy under section 46 of the *Act*, I find the 10 Day Notice dated June 30, 2020 to have no legal effect. Accordingly, the landlords will not be granted an order of possession, and the tenancy will continue until ended in accordance with the *Act*.

The Ministerial Order can be accessed through this link:

https://www.bclaws.ca/civix/document/id/mo/mo/2020_m195 .

Both parties also confirmed that the monthly rent of \$2,300.00 has not been paid for the months of June, July, or August 2020, and \$300.00 is still owing for May 2020. As both

parties confirmed that rent has not been paid in accordance with section 26 of the *Act*, I allow the landlords a monetary order in the amount of \$7,200.00 for the unpaid rent. Please note that payment of this unpaid rent is subject to any applicable regulation, legislation, or orders in place during this period. Please refer to the following links:

<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/temporary/covidreg.pdf>

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/covid-19>

The filing fee is a discretionary award issued by an Arbitrator usually after a hearing is held and the applicant is successful on the merits of the application. As both parties came to a mutual resolution of this matter and no hearing was required, I find that the landlords are not entitled to recover the \$100.00 filing fee paid for this application. The landlords must bear the cost of this filing fee.

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: August 11, 2020

Residential Tenancy Branch