



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNRL, FFL

### Introduction

This hearing was convened in response to an application made May 21, 2020 by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. I accept the Landlord’s evidence that each Tenant was served with the application for dispute resolution, notice of hearing and evidence by email on May 22, 2020 and that the Tenant confirmed receipt of this email by way of return email on June 4, 2020 in accordance with the Director’s Order, dated March 30, 2020. The Landlords were given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to unpaid rent?

Is the Landlord entitled to recovery of the filing fee?

### Background and Evidence

The tenancy under written agreement started July 1, 2018. Rent of \$3,400.00 is payable on the first day of each month. For April, May and June 2020 the Landlord received \$500.00 each month from a 3<sup>rd</sup> party for the rent. The Tenants failed to pay the remaining amount of \$2,900.00 for April and May and June 2020. The Landlord thinks that on August 24, 2020 the Tenants were sent a repayment plan for this unpaid rent with payments of \$1,533.00 required each month starting October 1, 2020 and

ending July 1, 2021. The Tenants are still in the unit and no rents are owed other than that claimed for April, May and June 2020. The Landlord did not provide a copy of this repayment plan.

### Analysis

Section 3(2) of the Covid-19 (No. 2) Regulation provides that for nonpayment of affected rent the Landlord must give the tenant a repayment plan if (a) the tenant has overdue affected rent, and (b) subject to subsection (3), the landlord and tenant did not enter into a prior agreement. Policy Guideline #52 “Applications for Monetary Orders for Unpaid Affected Rent made before July 31, 2020” provides that if a valid repayment plan has been given to a tenant and the tenant is in good standing because the first payment has not come due, the tenant is paying the installments as required, an arbitrator may grant a monetary order but it will be subject to the terms of the repayment plan. The order will set out that the tenant must pay the unpaid affected rent in accordance with the repayment plan. As the Landlord did not provide a copy of the repayment plan and as the Landlord’s evidence was not certain I decline to issue a monetary order and instead I dismiss this application with leave to reapply.

### Conclusion

The application is dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: September 24, 2020

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Residential Tenancy Branch