



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNRL-S, FFL

This matter was set for a conference call at 1:30 p.m. on this date. Both parties participated in the teleconference. The landlord filed this application for unpaid rent during the Provincial State of Emergency as a result of COVID – 19 pandemic. The landlord testified that they just recently served the tenant with the repayment plan pursuant to the new COVID 19 legislation. Both parties advised that they were unsure as to what the current situation of unpaid rent means for landlords and tenants. I spent the majority of the hearing explaining the new COVID – 19 regulations to the parties to assist them, specifically as follows;

PART 2 – RESIDENTIAL TENANCY ACT

Division 1 – Landlord’s Notice: Non-Payment of Rent

Non-payment of affected rent

3 (1) As an exception to sections 44 (1) (a) (ii) and 46 [landlord’s notice: non-payment of rent] of the Residential Tenancy Act and any other provision of the Residential Tenancy Act and the Residential Tenancy Regulation, a landlord must not give a tenant notice to end a tenancy under section 46 (1) of the Residential Tenancy Act in respect of affected rent that is unpaid and instead this Division applies.

(2) 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.

(3) If the landlord and tenant entered into a prior agreement and the prior agreement does not address the full amount of overdue affected rent, the landlord must give the tenant a repayment plan in respect of the amount of overdue affected rent that is not addressed in the prior agreement.

(4) The landlord may cancel a prior agreement by giving the tenant a repayment plan for the full amount of the overdue affected rent.

(5) The tenant may cancel a prior agreement by giving the landlord a repayment plan for the full amount of the overdue affected rent whether or not the landlord has given the tenant a repayment plan under subsection (3).

Both parties advised that they are agreeable to try to resolve this matter as per the repayment plan. The landlord requested to withdraw the application, the tenants were not opposed. I grant the landlords request to withdraw their application 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 *Residential Tenancy Act*.

Dated: September 24, 2020

Residential Tenancy Branch