



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S FFL

Introduction

The landlord seeks to recover July 2020 rent of \$1600.00 plus the filing fee for this application.

Both 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

Was the rent for July paid?

Background and Evidence

The rental unit is a three -bedroom home. The tenancy started in January 2019. The monthly rent was \$1600.00, due on the first of each month. The tenant paid a \$800.00 security deposit.

The landlord sold the home and as of August 1, the tenant has a new landlord.

The tenant admits that he did not pay the landlord the July rent and says it was because the landlord displayed threatening or hostile behaviour to him.

The landlord was not called upon to reply.

Analysis

A tenant is not entitled to withhold rent even when a landlord is in breach of a tenancy agreement or the law (see s. 26, *Residential Tenancy Act* (the “RTA”)).

The tenant was informed that he is free to take advice and to pursue a claim for loss of quiet enjoyment or similar relief (as defined in the *RTA*) but that claim cannot be raised at this hearing.

The July rent is owed and the landlord is entitled to a monetary award for it. I award the landlord \$1600.00 plus recovery of the \$100.00 filing fee. He will have a monetary order against the tenant for the total of \$1700.00.

Conclusion

The application is allowed. The landlord will have a monetary order against the tenant in the amount of \$1700.00.

The parties were informed that the July rent is “affected rent” under the Residential Tenancy Rent Repayment Plan. They were directed to consult with an Information Officer at the Branch for specific details.

This decision was rendered orally at hearing and 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, 2020

Residential Tenancy Branch