



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, RR, RP, PSF, FFT, OPR DR, OPRM-DR, FFL

Introduction

In the first application the tenants seek to cancel a ten day Notice to End Tenancy received September 2, 2020, to cancel an undescribed one month Notice to End Tenancy, a rent reduction, a repair order and an order that the landlord provided a service for facility.

In the second application the landlord seeks an order of possession pursuant to the ten day Notice and a monetary award for unpaid rent to August 2020 as well as for anticipated rental loss and anticipated bailiff fees.

Neither tenant attended for the hearing within 15 minutes after its scheduled start time at 11:00. on October 19, 2020. The teleconference hearing connection remained open during that time in order to enable the parties to call into the teleconference hearing. The call-in numbers and participant codes provided in the Notice of Hearing were confirmed as correct. The teleconference system audio console confirmed that the landlord and this arbitrator were the only ones who had called into this teleconference during that period.

As the tenants have failed to attend to pursue their claims, their application is dismissed. As the landlord attended and was ready to proceed, the tenants' application is dismissed without leave to re-apply.

The landlord testifies that on September 17, 2020 she personally served both tenants with her Notice of Dispute Resolution Proceeding document and evidence package. I find the tenants have each been duly served with the landlord's application.

The landlord testifies that on September 2, 2020 she served each of the tenants by hand with a ten day Notice to End Tenancy for unpaid July 2020 rent of \$1500.00 and that the tenants have not paid that rent. She indicates that July rent, half of August rent, and all of September and October rents have not been paid.

As the tenants have failed to cancel the ten day Notice and pursuant to ss. 46 and 55 of the *Residential Tenancy Act* (the “RTA”) I find this tenancy ended on September 13, 2020 because of the Notice and that the landlord is entitled to an order of possession.

The landlord’s claim fairly discloses a claim for July rent and the outstanding half of August rent but not for September or October rent. I award the landlord \$1500.00 for July rent and \$750.00 for August rent. The landlord is free to apply for a monetary award for the September and October rent.

I dismiss the landlord’s claim for anticipated rent loss over the fixed term of this tenancy. She has an obligation to mitigate her loss by securing new tenants. She is free to re-apply once her actual loss has been determined.

I dismiss the landlord’s claim for the cost of a bailiff. It is a speculative loss at this point.

Conclusion

The tenants’ application is dismissed with no leave to re-apply.

The landlord will have an order of possession.

The landlord is awarded \$2250.00 for unpaid rent plus recovery of the \$100.00 filing fee for her application. I authorize her to retain the \$750.00 security deposit in reduction of the amount awarded. She will have a monetary order against the tenants for the remainder of \$1600.00.

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 19, 2020

Residential Tenancy Branch