



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: FFL MNRL-S

Introduction

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

- 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.

At the outset of the hearing, the tenant confirmed that she does not dispute that she owes the landlord \$2,000.00 in outstanding rent for May 2020. Both parties confirmed that the landlords had sold the home to new owners, and the tenant remains a tenant at the rental address. The tenant testified that she requires more time to pay the outstanding rent, and has not been formally provided a repayment plan. The landlord confirmed that the tenant has not been formally provided with a repayment plan.

As set out in Residential Tenancy Policy Guideline #52 COVID-19: Repayment Plans and Related Measures, the referenced non-payment of rent in the landlord's application falls under the "affected rent" period of March 18, 2020 to August 17, 2020. As per the Policy Guideline and associated tenancy regulation, "a landlord must give a tenant a repayment plan if the tenant has unpaid affected rent, unless a **prior agreement** has been entered into and has not been cancelled. If the parties are no longer in a landlord-tenant relationship because the tenancy has ended, a repayment plan would not be required."

Although the home was sold to new owners as of May 12, 2020, and the tenant and previous landlords no longer have a landlord-tenant relationship, the tenancy has not ended. The tenant and new landlord are bound by the same terms of the tenancy agreement and the *Act*. As this tenancy is still ongoing, a repayment plan is still required

for affected rent. As I find the May 2020 outstanding rent to fall within the period of affected rent, I order that the landlord provide the tenant with a repayment plan as required by the *Act*.

For further details about repayment plan requirements please refer to the following links, or contact the Residential Tenancy Branch:

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

<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/forms/rtb14.pdf>

<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/policy-guidelines/gl52.pdf>

<https://www2.gov.bc.ca/assets/gov/housing-and-tenancy/residential-tenancies/temporary/covidreg3-579-2020.pdf>

As the tenancy is still ongoing, and the tenant has not yet been presented with a repayment plan, the landlords' application for a monetary order for the unpaid rent is dismissed with leave to reapply.

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 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: November 9, 2020

Residential Tenancy Branch