



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants filed under the Residential Tenancy Act (the “Act”), to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), issued on April 4, 2023.

Both parties appeared, gave testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure. I refer only to relevant facts and issues in this decision.

Issue to be Decided

Should the Notice be cancelled?

Background and Evidence

The tenancy began on November 1, 2022. Rent in the amount of \$2,250.00 was payable on the first of each month. A security deposit of \$1,750.00 was paid by the tenants.

The tenants acknowledge in their application that they received the Notice on April 2, 2023.

The tenant testified that they paid all their past rent up to February 2023, by etransfer. The tenant stated that they lost their employment and rent was to be paid by the rental assistance program.

The landlord's agent testified that the landlord did not receive any cheque from the rental assistance program or any money from the tenants. The landlord stated no rent has been paid for March, April and May 2023 and the tenants currently owe \$6,750.00.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Upon review of the Notice, I find the Notice is completed in accordance with the requirements of section 52 of the Act.

Under the legislation the tenants may dispute the Notice for specific reasons, such as they have proof that their rent was paid or that the tenants had the right under the Act to deduct all or a portion from their rent, such as an order from an Arbitrator.

Although the tenant filed an application for dispute resolution within the time limit permitted under the Act, I find the tenant's application must be dismissed as the tenants have provided no proof that the rental assistance approved their application to pay the landlord rent or that the rent was paid.

As the tenants were not successful with their application the tenants are not entitled to recover the filing fee from the landlord.

As the tenant's application is dismissed, I find the landlord is entitled to an order of possession and a monetary order for unpaid, pursuant to section 55 of the Act.

I find that the landlord is entitled to an order of possession, pursuant to section 55 of the Act, effective **two days** after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenant.

I find that the landlord is entitled to a monetary order for unpaid rent for March, April and May 2023, in the amount of **\$6,750.00**. I authorize the landlord to keep the security deposit of **\$1,750.00** to offset the amount owed. The landlord is granted a monetary

order for the balance due, pursuant to section 67 of the Act in the amount of **\$5,000.00**. This order may be filed in the Provincial Court and enforced as an order of that Court. The **tenants are cautioned** that costs of such enforcement are recoverable from the tenants.

Further, the tenant stated at the outset of the hearing that they are vacating on May 14, 2023. The parties agreed that the landlord will attend the rental unit on May 14, 2023, at 1:00 pm to conduct the move-out inspection. **The tenant is to ensure the rental unit is cleaned and left undamaged as required by the Act.**

I also cautioned the tenant at the hearing, as there is some evidence that the tenant may be developing a history of unpaid rent or providing false information at the start of a tenancy, such as references of past landlords. I find it appropriate to refer this matter to my supervisor for referral to the **Enforcement and Compliance Unit for further investigation and/or for future monitoring.**

Conclusion

The tenants' application is dismissed. The landlord is granted an order of possession and a monetary order for balance due of unpaid rent.

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: May 12, 2023

Residential Tenancy Branch