



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

Page: 1

DECISION

Dispute Codes CNR RR RP

Introduction

The Tenant sought the following relief under the *Residential Tenancy Act* ("Act"): (1) an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent ("Notice"); (2) an order to reduce rent; and (3) an order for the repair of a broken, pursuant to sections 46(4)(b), 62, and 65(1)(f), respectively, of the Act. However, because the Tenant did not attend the hearing, their claims are dismissed in their entirety.

The Landlord seeks an order of possession and a monetary order for unpaid rent. They also seek to recover the cost of the application fee.

Issues

1. Is the Landlord entitled to an order of possession?
2. Is the Landlord entitled to a monetary award and monetary order?

Evidence and Analysis

In reaching this decision, I have only considered relevant and necessary oral and documentary evidence that helped resolve the issues of the dispute.

The tenancy began on November 1, 2022. Monthly rent, which was due on the first day of the month, was \$1,100. The Tenant paid a \$550 security deposit. A copy of the written tenancy agreement was submitted into evidence.

The Notice was served on the Tenant on January 11, 2023. The Tenant did not pay any rent from January to April 2023, inclusive. Rent arrears were \$4,400 at the time the Tenant vacated the rental unit. A copy of the Notice was in evidence and, having reviewed the Notice, I find that it complies with the form and content requirements of section 52 of the Act. Also submitted into evidence was a monetary order worksheet. The Landlord's agent M.N. testified under oath as to the truth of these facts.

Rent must be paid in compliance with a tenancy agreement (section 26 of the Act). A landlord may issue a notice to end tenancy under section 46 of the Act when rent has not been paid in compliance with the tenancy agreement.

Having considered the undisputed and sworn oral and documentary evidence of the Landlord it is my finding that the Notice ought to be upheld and that the Tenant's application to cancel the Notice be dismissed. Therefore, pursuant to section 55(1) of the Act, I grant the Landlord an order of possession. A copy of the order of possession is issued with this Decision to the Landlord.

Further, pursuant to section 55(1.1) of the Act, it is my finding that the Landlord is entitled to an order requiring the Tenant to pay the unpaid rent in the amount of \$4,400.

The Landlord is entitled to an additional \$100.00 to pay for the cost of the application fee. In total, the Landlord is awarded \$4,500.00. The Landlord is authorized to retain the Tenant's \$550 security deposit in partial satisfaction of the amount awarded (pursuant to section 38(4)(b) of the Act).

The balance of the amount now owing, \$3,950, shall be granted by way of a monetary order. A copy of the monetary order is also issued with this Decision to the Landlord.

Conclusion

The Tenant's application is hereby DISMISSED without leave to reapply.

The Landlord's application is hereby GRANTED.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: June 6, 2023

Residential Tenancy Branch