



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing

Page: 1

DECISION

Dispute Codes: CNR RR

Introduction

The Tenant sought an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), pursuant to section 46(4)(b) of the *Residential Tenancy Act* (the "Act"). The Tenant also sought a reduction in rent pursuant to section 65(1)(f) of the Act.

The Tenant did not attend the dispute resolution proceeding on June 2, 2023. One of the Landlords attended the hearing and gave affirmed testimony.

Issues

1. Is the Tenant entitled to an order cancelling the Notice?
2. Is the Tenant entitled to a reduction in rent?

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 December 15, 2022. Rent, which was due on the first day of the month, was \$3,200.00. The Tenant paid a \$1,600.00 security deposit. As of June 2, 2023, the Tenant still occupies the rental unit, according to the Landlord.

A copy of the Notice was not submitted into evidence by either party, but the Landlord had a copy of the Notice in front of them and provided me with the information that was contained within the Notice.

The Landlords served the Notice on the Tenant in person on February 3, 2023. As of February 1, and as stated in the Notice, the Tenant owed \$6,400 in unpaid rent. The Landlord testified that as of June 1, 2023, when rent was most recently due, the Tenant owed \$19,200.00 in rent arrears.

Taking into consideration all the undisputed, affirmed oral evidence before me, it is my finding that the Landlords have proven the ground on which the Notice was given under section 46 of the Act for non-payment of rent under section 26 of the Act.

According, I dismiss the Tenant's application and uphold the Landlords' Notice. Pursuant to section 55(1) of the Act the Landlords are granted an order of possession of the rental unit. A copy of the order of possession is issued with this Decision, and the Landlords must serve a copy of the order of possession upon the Tenant. The tenancy is ordered ended effective immediately. I also dismiss the Tenant's application for a reduction in rent, without leave to reapply.

Upon service of the order of possession the Tenant has two days to vacate.

Pursuant to section 55(1.1) of the Act, I must grant an order requiring the Tenant to pay the unpaid rent to the Landlords. The undisputed evidence of the Landlord persuades me that such an order is appropriate. The Tenant currently owes \$19,200.00 in rent arrears.

Pursuant to section 38(4)(b) of the Act, given that the tenancy is now ended, the Landlords may retain the \$1,600.00 security deposit in partial satisfaction of the arrears.

The Tenant is hereby ordered to pay \$17,600.00 in unpaid rent to the Landlords. A copy of a monetary order in this amount is issued with this Decision to the Landlords. The Landlords must also serve a copy of this order upon the Tenant.

Conclusion

The Tenant's application is dismissed, without leave to reapply.

The Landlords are granted an order of possession and a monetary order.

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

Dated: June 2, 2023

Residential Tenancy Branch