



# Dispute Resolution Services

Residential Tenancy Branch  
Ministry of Housing and Municipal Affairs

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## DECISION

### Introduction

The Tenants 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”). By way of cross-application the Landlord sought an order of possession based on the Notice and a monetary order for unpaid rent, unpaid utilities, and an order to recover the cost of the application fee. (The Landlord was permitted to amend their application to include the cost of the application fee.)

A dispute resolution hearing was scheduled to commence at 9:30 AM on February 10, 2026. Due to technical issues, the hearing began at 9:43 AM. The Landlord attended the hearing whilst the Tenants did not. The hearing ended at 9:58 AM.

### Issues

1. Are the Tenants entitled to an order cancelling the Notice?
2. If not, is the Landlord entitled to an order of possession?
3. Is the Landlord entitled to a monetary order for unpaid rent, unpaid utilities, and for the cost of the filing fee?

### Background and Evidence

In reaching this decision, I have considered all relevant evidence that complied with the *Rules of Procedure*. Only the necessary oral and documentary evidence that helped resolve the issues of the dispute and explain the decision is included below.

The tenancy began November 18, 2025. Rent is \$2,450.00 and this is due on the first day of the month. The Tenants paid a \$1,225.00 security deposit which the Landlord currently holds in trust pending the outcome of these applications. There is a written tenancy agreement in place, signed by the parties on November 13, 2025.

The Landlord served the Notice on January 3, 2026, by pre-approved email. All pages of the Notice were provided to the Tenants. The Notice was given because the Tenants had failed to pay rent that was due on January 1, 2026. The Tenants ended up paying \$900.00 toward the rent on January 10, though the Landlord made it clear to them that this was for use and occupancy only and that the tenancy was not reinstated. A copy of the Notice was submitted into evidence by the Landlord.

The Landlord testified that the Tenants have not paid rent for February 2026 and that they also owe \$112.09 for an unpaid FortisBC bill that was supposed to have been registered in the Tenants' name.

In summary, the Landlord seeks a monetary order for the rent arrears for January (\$1,550), for rent arrears for February (\$2,450.00), for utilities (\$112.09), and, as permitted by amendment, for the cost of the \$100.00 filing fee.

## **Analysis**

Section 26 of the Act requires tenants to pay rent on time unless they have a legal right to withhold some of the rent. Section 46(1) of the Act allows landlords to end a tenancy if the tenant does not pay rent on time by issuing a *10 Day Notice to End Tenancy for Unpaid Rent*.

The Landlord's evidence persuades me, on a balance of probabilities, that the Tenants did not pay the full amount of the required rent that was due on January 1, 2026.

Nor have the Tenants paid rent that was due on February 1, 2026. There is no evidence before me to find that the Tenants had a legal right under the Act not to pay rent.

Therefore, for these reasons, I find on a balance of probabilities that the Notice was given for a valid reason, namely, the non-payment of rent. I also find that the Notice complies with the form and content requirements of section 52. As a result, the Tenants' application to cancel the Notice is dismissed without leave to reapply.

Based on the above findings, the Landlord is granted an order of possession under section 55(1) of the Act. A copy of the order of possession is attached to this Decision and must be immediately served on the Tenants. The Tenants have two (2) days to vacate the rental unit from the date of service or deemed service of the order. The order of possession may be filed and enforced in the Supreme Court of British Columbia.

Since these applications relate to a section 46 notice to end tenancy, the Landlord is entitled to an order for unpaid rent under section 55(1.1) of the Act. Therefore, the Tenants are ordered to pay \$4,112.09 unpaid rent and unpaid utilities to the landlord.

Because the Landlord has been successful in this application, they are entitled to recover the cost of the \$100.00 filing fee under section 72(1) of the Act.

In total, the Landlord is awarded \$4,212.09. Pursuant to section 72(2)(b) of the Act the Landlord is authorized to retain the Tenants' \$1,225.00 security deposit to be applied against the amount owing. The Tenants owe a balance of \$2,987.09. A monetary order for this amount is issued with this decision to the Landlord, who must provide a copy of the monetary order to the Tenants.

The monetary order may be filed and enforced in the Provincial Court of British Columbia (Small Claims Court).

## Conclusion

IT IS HEREBY ORDERED THAT:

1. The Tenants' application is dismissed without leave to reapply.
2. The Landlord is granted an order of possession with an effective date of two (2) days from the date of service.
3. The Landlord is awarded compensation in the amount of \$4,212.09, is authorized to retain the \$1,225.00 security deposit, and is granted a monetary order in the amount of \$2,987.09.

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

Dated: February 10, 2026

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Residential Tenancy Branch