



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, CNR, MNR, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of two representatives of the landlord and in the absence of the tenant although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy dated May 3, 2015 was personally served on the Tenant on May 3, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on the Tenant on May 13, 2015. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated May 3, 2015?
- b. Whether the tenant is entitled to an order that the landlord comply with the Act and Regulations?
- c. Whether the tenant is entitled to an order that the landlord provide services or facilities required by law?
- d. Whether the tenant is entitled to an order to suspend or set conditions on the landlord's right to enter the rental unit?
- e. Whether the tenant is entitled to an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided?
- f. Whether the landlord is entitled to an Order for Possession?
- g. Whether the landlord is entitled to A Monetary Order and if so how much?

h. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenant and the previous owner entered into a tenancy agreement in writing that provided that the tenancy would start on October 1, 2013 and continue month to month basis. The rent is \$650 per month payable on the first day of each month. The tenant paid a security deposit of \$325 on October 1, 2013. The rental property was sold to the present landlord with possession taking place on April 30, 2015.

The tenant(s) failed to pay the rent for the months of May and June and the sum of \$1300 remains owing. The tenant vacated the rental unit two days ago.

Tenant's Application:

The tenant failed to attend the hearing. The landlord was present and ready to proceed. As a result I ordered that the application of the tenant be dismissed without liberty to re-apply.

Landlord's Application - Order of Possession:

It is no longer necessary to consider the landlord's application for an Order for Possession as the tenant has vacated the rental unit and the landlord has regained possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the months of May and June and the sum of \$1300 remains owing. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. **I granted the landlord a monetary order in the sum of \$1300 plus the sum of \$50 in respect of the filing fee for a total of \$1350.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: June 19, 2015

---

Residential Tenancy Branch

