



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

On July 18, 2019, the Tenants applied for an expedited dispute resolution hearing under the *Residential Tenancy Act* (“the Act”) seeking an order for the Landlord to make emergency repairs to the rental unit and to recover the cost of the filing fee. The Director of the Residential Tenancy Branch has established the expedited hearing process in circumstances where there is an imminent danger to the health, safety, or security of a Landlord or Tenant.

The matter was scheduled for a teleconference hearing. Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

During the hearing the Tenants testified that they had received a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities from the Landlord.

The Landlord confirmed that he had issued the Tenants a 10 Day Notice dated August 4, 2019.

The Landlord testified that the tenancy is over because he has already received an order of possession for the rental unit and has served the Tenants.

A search of the Residential Tenancy Branch case management system indicates that the Landlord filed an Application for Dispute Resolution by Direct Request on August 21 2019. The Landlord was seeking to an order of possession due to unpaid rent or utilities. The matter proceeded by way of an ex parte Direct Request Proceeding, pursuant to section 55(4) of the Residential Tenancy Act. The ex-parte review was completed and a Decision issued on August 28, 2019. The Decision was based on an undisputed 10 Day Notice to End Tenancy and the written submissions of the Landlord.

The Tenants testified that they have received a copy of the order of possession from the Landlord.

The Tenants and their agent submitted that they were confused because they believed that they had disputed the 10 Day Notice.

I find that the tenancy has already ended due to a fundamental breach of the tenancy agreement regarding payment of rent.

Since the tenancy has ended there is no need to determine whether or not the Tenants are entitled to an order for the Landlord make emergency repairs to the rental unit.

The Tenants' application is dismissed in its entirety.

Conclusion

The tenancy has already ended based on an undisputed 10 Day Notice to End Tenancy and the written submissions of the Landlord. The Landlord was granted an order of possession and has served the Tenants.

The Tenants' application for an order for the Landlord make emergency repairs to the rental unit is dismissed.

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: September 06, 2019

Residential Tenancy Branch