



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Landlords: OPR-DR, MNR-DR, FFL
 Tenants: CNR, RR, RP, LRE, FFT

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the Residential Tenancy Act (the Act).

The Landlords filed two Applications for Dispute Resolution on October 3, 2022. The Landlords applied for the following relief, pursuant to the Act:

- an order of possession based on an undisputed 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated August 7, 2022 (the 10 Day Notice);
- a monetary order for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Tenants' Application for Dispute Resolution was filed on September 30, 2022. The Tenants applied for the following relief, pursuant to the Act:

- an order cancelling the 10 Day Notice;
- an order reducing rent for repairs, services, or facilities agreed upon but not provided;
- an order requiring the Landlords to make repairs to the rental unit;
- an order suspending or setting conditions on the Landlords' right to enter the rental unit; and
- an order granting recovery of the filing fee.

The Landlords were represented at the hearing by MG, an agent, who provided affirmed testimony. The Tenants did not attend the hearing. Accordingly, I find that the Tenants' application is dismissed without leave to reapply.

Section 55(1) of the Act states that when a tenant's application to cancel a notice to end tenancy is dismissed and the notice complies with the form and content requirements of section 52 of the Act, the director must issue an order of possession in favour of the landlord.

As noted above, I find that the Tenants' application to cancel the 10 Day Notice is dismissed. I also find that the 10 Day Notice, a copy of which was submitted into evidence by the Landlord, is signed and dated, gives the address of the rental unit, states the effective date, states the grounds for ending the tenancy, and is in the approved form. Therefore, I find the 10 Day Notice complies with the form and content requirements of section 52 of the Act. Therefore, by operation of section 51(1) of the Act, I grant the Landlords an order of possession which will be effective two days after it is served on the Tenants.

Section 55(1.1) of the Act confirms that when a tenant's application to cancel a notice to end tenancy for unpaid rent or utilities is dismissed and the notice complies with the form and content requirements of section 52 of the Act, the director must grant an order requiring payment of the unpaid rent.

As I have found that the Tenants' application to cancel the 10 Day Notice has been dismissed and that the 10 Day Notice complies with the form and content requirements of the Act, I grant the Landlords a monetary award for unpaid rent. I accept the undisputed testimony of MG who testified that rent was not paid when due on July 1, 2022 and has not been paid since. MG testified that rent of \$17,500.00 remains unpaid to November 30, 2022 ($\$3,500.00 \times 5 \text{ months} = \$17,500.00$).

Although the above relief was granted to the Landlords by operation of sections 55(1) and 55(1.1) of the Act, I find it appropriate to grant the Landlords recovery of the filing fee. As only one application was necessary, I grant \$100.00 in recovery of this fee, pursuant to section 72 of the Act.

Therefore, I grant the Landlords a monetary order for \$17,600.00, which is comprised of \$17,500.00 in unpaid rent and \$100.00 in recovery of the filing fee paid to make the Landlords' applications.

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: November 25, 2022

Residential Tenancy Branch