



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

MNR

Introduction

This hearing was initiated by way of a Direct Request Proceeding but was reconvened as a participatory hearing, as the Dispute Resolution Officer at the Direct Request Proceeding had insufficient evidence to determine how much rent was owed in relation to this tenancy.

The reconvened hearing was held to address the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent and a monetary Order for unpaid rent. The Landlord was granted an Order of Possession at the Direct Request Proceeding on December 13, 2010.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant via registered mail at the address noted on the Application, on December 15, 2010. The Agent for the Landlord did not have a copy of the Canada Post receipt with him at the time of the hearing nor was a copy of that receipt submitted in evidence. In the absence of evidence to the contrary, I find that these documents were sent by registered mail to the Tenant, in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing. The Tenant retains the right to file an Application to Review if he has reason to believe that these documents were not served to him by registered mail.

Issue(s) to be Decided

The issue to be decided is whether the Landlord is entitled to a monetary Order for unpaid rent, pursuant to section 67 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Landlord submitted a tenancy agreement that indicates this tenancy began on August 01, 2008 and that the Tenant is required to pay monthly rent of \$1,100.00 on the first day of each month.

The Agent for the Landlord initially stated that the Tenant owed rent of \$6,600.00. After reviewing the account ledger, the Agent for the Landlord amended his testimony and

stated that the Tenant did not pay any rent for November of 2010; that the Tenant did not pay any rent for October of 2010; that the Tenant did not pay any rent for July of 2010; and that the Tenant only paid \$100.00 in rent for June of 2010. This statement is corroborated by the Notice to End Tenancy that was served on the Tenant, which declares that the Tenant owed \$4,300.00 in rent on November 01, 2010.

Analysis

On the basis of the information submitted by the Landlord and in the absence of evidence to the contrary, I find that this tenancy began on August 01, 2008 and that the Tenant is required to pay monthly rent of \$1,100.00 on the first day of each month.

Section 26(1) of the *Act* requires tenants to pay rent to their landlord. On the basis of the information submitted by the Landlord and in the absence of evidence to the contrary, I find that the Tenant has not paid rent in the amount of \$1,100 for November of 2010; \$1,100 for October of 2010; \$1,100 for July of 2010; and \$1,000 for June of 2010. As the Tenant was required to pay rent for these months, I find that the Tenant owes the Landlord \$4,300.00 in rent. The Tenant retains the right to file an Application to Review if he has evidence to show that he has paid rent for any portion of this period.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$4,300.00, for unpaid rent. Based on these determinations I grant the Landlord a monetary Order for the amount of \$4,300.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims 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: January 07, 2011.

Residential Tenancy Branch