



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes:

MNR, FF

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for a monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 67 and 72 of the *Residential Tenancy Act* (Act).

Background and Evidence

The Landlord and the Tenant agree that this tenancy began in 2007 and that the Tenant was required to pay monthly rent of \$1,150.00 on the first day of each month during the latter portion of this tenancy.

The Landlord and the Tenant agree that this tenancy ended sometime near the beginning of April of 2010 and that the Tenant provided the landlord written notice, via email, of his intent to end the tenancy at the end of March of 2010. Neither party can recall when the written notice to end the tenancy was given to the Landlord.

The Landlord and the Tenant agree that the Tenant gave the Landlord two cheques, which totalled \$1,150.00, to pay his rent for March and that those cheques were not honoured by his financial institution. The Tenant stated that he has been unable to pay his rent for March of 2010 due to his personal financial situation.

Analysis

Based on the undisputed evidence presented at the hearing, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$1,150.00 on the March 01, 2010.

Based on the undisputed evidence presented at the hearing, I find that the Tenant did not pay rent when it was due on March 01, 2010. As he is required to pay rent when it is due, pursuant to section 26(1) of the *Act*, I find that the Tenant must pay \$1,150.00 in outstanding rent to the Landlord.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$1,200.00, which is comprised of \$1,150.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution, and I grant the Landlord a monetary Order for this amount. 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: March 03, 2011.

Residential Tenancy Branch