



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent and to recover the filing fee for this proceeding. The Landlord said he served the Tenant in person on May 24, 2011 with the Application and Notice of Hearing (the "hearing package"). Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

### Issue(s) to be Decided

1. Are there rent arrears and if so, how much?

### Background and Evidence

This tenancy started on April 1, 2010 and ended on or about April 30, 2011 pursuant to an Order of Possession granted to the Landlord in a direct request proceeding held on April 13, 2011. Rent was \$825.00 per month payable in advance on the 1<sup>st</sup> day of each month. The Landlord said the Tenant has rent arrears of \$225.00 for February 2011 and did not pay rent for March or April, 2011.

### Analysis

In the previous direct request proceeding held on April 13, 2011, the Landlord was also granted a Monetary Order for the unpaid rent for March 2011 and therefore that part of his claim in this proceeding is dismissed without leave to reapply. In the absence of any evidence from the Tenant to the contrary, I find that the Landlord is entitled to a further Monetary Order for unpaid rent for February and April 2011 in the amount of \$1,050.00.

As the Landlord has been successful in this matter, he is entitled pursuant to s. 72(1) of the Act to recover from the Tenant the \$50.00 filing fee he paid for this proceeding. The Landlord also sought to recover the \$50.00 filing fee he paid for the direct request

proceeding held on April 13, 2011, however s. 55(4) of the Act does not provide for the reimbursement of a filing fee in direct request proceedings and as a result, that part of the Landlord's claim is also dismissed without leave to reapply.

### Conclusion

A Monetary Order in the amount of **\$1,100.00** has been issued to the Landlord and a copy of it must be served on the Tenant. If the amount is not paid by the Tenant, the Order (together with the previous Monetary Order dated April 13, 2011 in the amount of \$825.00) may be filed in the Provincial (Small Claims) Court of British Columbia 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: August 30, 2011.

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Residential Tenancy Branch