



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67; and
2. An Order to recover the filing fee for this application - Section 72.

I accept the Landlord’s evidence that the Tenant was served with the application for dispute resolution and notice of hearing by personal service in accordance with Section 89 of the Act. The Tenant did not participate in the conference call hearing.

The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to the monetary amount claimed?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy began on November 1, 2010 and ended on June 30, 2011. Rent in the amount of \$1,350.00 was payable in advance on the first day of each month. No security deposit was taken by the Landlord. Although the Tenant signed the tenancy agreement with the amount of rent stipulated, the Tenant only paid a monthly rent of \$1,200.00 to the Landlord. Each month the Landlord objected to the reduced rent being paid and requested the correct amount however the Tenant failed to pay the full amount and the Landlord ended the tenancy by obtaining an Order of Possession for repeated

late rent payments. The Landlord submitted a signed tenancy agreement as evidence of the amount of rent agreed to by the Tenant. The Landlord claims the amount of \$150.00 per month in rental arrears for the months December 2010 to June 30, 2011 in the total amount of \$1,050.00 (\$150.00 x 7). The Landlord waives a claim of rental arrears for the month of November 2010.

Analysis

Given the undisputed evidence of the Landlord, I find that the Landlord has substantiated the claim for rental arrears and is therefore entitled to the monetary amount of \$1,050.00. The Landlord is also entitled to recovery of the \$50.00 filing fee for a total entitlement of \$1,100.00.

Conclusion

I grant the Landlord an order under Section 67 of the Act for the amount of **\$1,100.00**. If necessary, this order may be filed in the 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: September 21, 2011.

Residential Tenancy Branch