



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the conference call hearing.

At the hearing the landlord withdrew his claim for an order of possession as the tenant had vacated the rental unit. The landlord also withdrew his claim for rent for September.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenant was obligated to pay \$1,100.00 per month in rent. The landlord testified that the tenant did not pay rent in August. The tenant claimed that the landlord gave her his office address and that the tenant's mother paid the rent to the receptionist at the landlord's office. The landlord testified that he did not receive any monies and that he does not have a receptionist. The tenant claimed that her mother was planning to provide a sworn affidavit, but did not enter an affidavit into evidence, nor did she call her mother as a witness.

Analysis

When a landlord alleges that a tenant has not paid rent, the burden falls on the tenant to prove that rent was paid. I find that the tenant has not proven that she paid the rent. She gave hearsay testimony but did not provide any direct evidence to prove that the rent had been paid. I find that the tenant did not pay rent in the month of August and that the landlord is entitled to recover \$1,100.00 in rental arrears. I award the landlord \$1,150.00 which represents the arrears and the \$50.00 filing fee paid to bring his application.

Conclusion

The landlord is awarded \$1,150.00. I order the landlord to retain the \$550.00 security deposit in partial satisfaction of the claim and I grant him a monetary order under section 67 for the balance of \$600.00. This order may be filed in the Small Claims Division of the Provincial 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 22, 2011

Residential Tenancy Branch