

DECISION

Dispute Codes MNR, FF

Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent and recovery of the filing fee.

The Landlord attended the hearing in person and gave testimony. The Tenant did not. The Landlord has filed as evidence copies of an Residential Tenancy Branch file and two receipts. The Landlord has not submitted any proof of service for the Notice of Hearing package documents. The Landlord relies on the Tenant's evidence package filed which includes a copy of the notice of hearing letter. As such, I am satisfied that each has been properly served with the notice of hearing and evidence packages under the Act.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The Landlord is seeking recovery of \$570.00 for unpaid rent from December 2010. The Landlord relies on an excerpt from an RTB File which states,

"In fact, the Tenant argued that she had already made a rent payment for December 2010 to P.L. and therefore should not be liable for that. Consequently, I find that the Landlord was not entitled to apply the Tenant's payment of \$570.00 made on April 21, 2011 to rent arrears owed by another tenant and he must pursue his former tenant for those rent arrears." The Landlord states that this is an order made by the Dispute Resolution Officer.

The Landlord stated in direct testimony that the legal owner/tenant prior to January 2011 was N.W.L. (son of P.L.)

The Landlord stated in his direct testimony that the respondent vacated her rental unit #48 and moved 3-4 days before the hearing date.

Analysis

I find that the Landlord has erred in his interpretation of the excerpt from the RTB File. This excerpt is not a finding or order that "P.L." the respondent in this application is his tenant for #33. The Landlord has only proven that P.L. was making rent payments for #33 on behalf of the Tenant, N.W.L. The respondent P.L. was a tenant of the Landlord's in #48.

I find based upon the direct testimony of the Landlord and the documentary evidence of the Tenant that the previous Tenant was N.W.L. (son of P.L.) and not P.L. As such, the Landlord's application against this respondent is dismissed.

Conclusion

The Landlord's application is dismissed.

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: February 07, 2012.

Residential Tenancy Branch