



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MND, MNDC, MNR

### Introduction

This hearing dealt with an application by the landlord for a monetary order for unpaid rent. Both parties participated in the conference call hearing. Both parties gave affirmed evidence

### Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The tenancy began on or about June 25, 2011 and ended October 4, 2011. Rent in the amount of \$850.00 is payable in advance on the first day of each month.

The landlord gave the following testimony; the tenants made only one payment of \$400.00, and the tenant's have made no further attempts to make payments.

The tenant gave the following testimony; states that he has paid a total of \$600.00, withheld rent as the unit was not completed and required work to be done on it, would have paid the rent in full but due to the fact the landlord was causing the loss of quiet enjoyment and repeatedly disturbing and bothering the tenant's they withheld rent.

### Analysis

These two parties have had a very acrimonious relationship and have been through several dispute resolution hearings in regards to this tenancy. Both parties made comment's and claims to multiple issues that are not before me in this hearing. It was

explained in great detail to both parties that this was the landlord's application for a monetary order and that the only issues to be dealt with in this hearing are those that he applied for and that if the parties had any unresolved issues they were able to file for a separate dispute resolution hearing.

As the landlord is the applicant in this matter and bears the burden of proving his case it was his responsibility to support his claim. This tenancy was based on an oral agreement with no tenancy agreement ever being signed or any receipts being issued. The only dispute was whether the tenant had paid \$400.00 or \$600.00. Although the tenant felt justified in withholding the rent, he did not dispute the dates of tenancy or the amount of monthly rent, without any documentation from the landlord to justify the amount claimed, I accept the tenant did make a total payment of \$600.00.

The landlord was also seeking the recovery of some painting costs incurred but without a move in condition inspection report, the status of the unit upon move in and move out or any other supporting documentation he was unable to satisfy me of this portion of his claim; accordingly I dismiss this portion of the landlords' application.

As for the monetary order, I find that the landlord has established a claim for \$2800.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord an order under section 67 for the balance due of \$2850.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted a monetary order for \$2850.00.

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 20, 2012.

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Residential Tenancy Branch