



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC

### Introduction

This hearing was convened on the tenant's application of February 27, 2012 for return of rent after the landlord processed a rent payment for March 2012, the month following the end of the tenancy.

As a matter of note, this tenancy was the subject of a hearing on February 14, 2012 in which the landlord was issued with an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent and utilities for December of 2011, January of 2012 and February of 2012.

The landlord did not call in to the number provided to enable his participation in the telephone conference call hearing although the tenant gave evidence that he had served him with the Notice of Hearing.

### Issue(s) to be Decided

Is the tenant entitled to a Monetary Order for return of the March 2012 rent?

### Background and Evidence

This tenancy began on November 1, 2012. Rent was \$514 plus \$25 utilities per month.

During the hearing, the tenant gave evidence that he had vacated the rental unit on February 14, 2012.

The tenant stated that the landlord had received a payment for rent for March 2012 from the ministry, but acknowledged that he had not paid the outstanding rent for December 2011, January 2012 and February 2012.

### Analysis

Given that the tenant owed the landlord at least three months back rent, I find that the landlord was entitled to direct the payment for March 2012 rent against the rent owed for the previous three months.

Therefore, I must dismiss the application without leave to reapply.

### Conclusion

The application is dismissed without leave to reapply.

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: April 24, 2012.

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Residential Tenancy Branch