



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OLC, FF

Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act*, for an order seeking landlord's action to comply with the *Act* and for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions. At the start of the hearing, the landlord's telephone was problematic and during the call, he lost contact.

On December 16, 2011, these parties participated in a conference call to hear the tenant's application to set aside a notice to end tenancy for non payment of rent. The landlord was granted an order of possession which he served on the tenant sometime in the third week of May. The tenant is disputing the amount of rent owed to the landlord.

Issues to be decided

Has the landlord applied for a monetary order for unpaid rent? Is the tenant's application to dispute the amount of unpaid rent, premature?

Background and Evidence

The tenant stated that the landlord served her with a statement indicating that she owed the landlord \$19, 932.00. The tenant argued that she owes the landlord only \$16,800.00. The landlord has not filed an application for a monetary order. Therefore the tenant's rebuttal is premature and accordingly moot.

Conclusion

The tenant's application is dismissed. She must bear the cost of filing this application.

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: June 20, 2012.

Residential Tenancy Branch