



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR and FF

Introduction

This application was brought by the landlord on June 13, 2012 seeking a Monetary Order for unpaid rent and recovery of the filing fee for this proceeding.

Despite having been served with the Notice of Hearing in person on June 13, 2012, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order for the unpaid rent and recovery of the filing fee?

Background and Evidence

This tenancy began on June 1, 1999 and ended on June 30, 2012 when the tenant left without providing a forwarding address. Rent was \$496 per month and there is no security deposit.

During the hearing, the landlord gave evidence that during the tenancy, the tenant had accumulated a substantial rent arrears which, at the time of the hearing, stood at \$1,593.40 taking into account a \$100 payment made in July 2012. The landlord stated that if the tenant continued the repayment plan, the landlord might not need to enforce the Monetary Order.

The landlord submitted a copy of a Rent Arrears agreement dated September 10, 2008 in which the tenant acknowledged a back rent shortfall of \$1,788 at May 31, 2008 and promised to pay \$100 per month toward the debt.

The landlord submitted a monthly statement of account from October 14, 2006 which was made available to the tenant..

Analysis

Section 7 of the Act provides that if either party to a rental agreement suffers a loss due to the non-compliance of the other with the legislation or rental agreement, the non-compliant party must compensate the other for that loss. Section 26 of the *Act* states that tenants must rent when it is due.

Section 67 of the *Act* authorizes the director's delegate to determine an amount owed by one party to another under a rental agreement and to order compensation.

In the present matter, I find that the tenant owes a total of \$1,593.40 in back rent. As the application has succeeded on its merits, I further find that the landlord is entitled to recover the filing fee for this proceeding from the tenant, raising the total to \$1,643.40.

Conclusion

The landlord's copy of this decision is also accompanied by a Monetary Order for \$1,643.40, enforceable through the Provincial Court of British Columbia, for service on the tenant

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: August 14, 2012.

Residential Tenancy Branch