



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for a monetary order for unpaid rent and an order to retain the security deposit in partial satisfaction of the claim.

On December 21, 2012, the parties were at a dispute resolution hearing and at that hearing the parties mutually agreed to end the tenancy effective January 31, 2013.

At the tenant's request the landlord's application for a monetary order for unpaid rent was adjourned to today's date. This was to allow for the landlord to provide the tenant a copy of the tenant's rent ledger. The tenant was required to compare the ledger with his banking records. Both parties were required to file a copy of all documents exchanged to the Residential Tenancy Branch. The only documents received was from the landlord.

The tenant did not appear at the reconvene hearing.

Issue(s) to be Decided

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

Background and Evidence

The parties agreed at the hearing on December 21, 2012, that rent was \$800.00 per month.

The landlord testified as of October 29, 2012, the tenant was in rent arrears of \$2,000.00. The landlord stated the tenant did not pay any rent for November, December 2012 and January 2013. The landlord stated he did receive two payments equaling \$800.00 in December 2012. The landlord seeks to recover \$3,600.00.

The landlord stated he provided a copy of the tenant's rental ledger to the tenant as required by the directions given to the parties at the previous hearing. The landlord stated he did not receive any documentation from the tenant to dispute the amount owed.

It is important to note at the last hearing the tenant did not deny rent was owed, however, the tenant did not agree with the landlord's calculation. The tenant stated all rent was paid through his bank account and would be easily verified.

The tenant was required by my previous order to compare the rent ledger with his bank account. The tenant did not attend at today's hearing and the tenant did not submitted any documents, such as his banking records to show the landlords calculation was incorrect

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The undisputed testimony of the landlord was the tenant owes rent in the amount of \$3,600.00. On December 21, 2012, the tenant did not dispute rent was owed, however, did not agree with the landlords calculation.

The tenant was given the opportunity to review the tenant's ledger and compare with his bank account the tenant testified it would be easily to verify. The tenant did not appear at today's hearing and provided no evidence to show the tenant ledger is incorrect. As a result, I accept the evidence of the landlord that the tenant owes rent in the amount of \$3,600.00.

I find that the landlord has established a total monetary claim of **\$3,650.00** comprised of unpaid rent and the \$50.00 fee paid for this application. I grant the landlord formal order under section 67 for the Act.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order.

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: January 30, 2013

Residential Tenancy Branch

