



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

OPR, MNR, MNSD, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession, a monetary Order for unpaid rent, to retain all or part of the security deposit, and to recover the fee for filing an Application for Dispute Resolution. At the hearing the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated. At the hearing the Landlord withdrew the application to retain the security deposit, as the parties had previously agreed to apply that deposit to unpaid rent from November.

The Landlord stated that he personally served the Application for Dispute Resolution, the Notice of Hearing, and documents the Landlord wished to rely upon as evidence to each Tenant on March 04, 2013. In the absence of evidence to the contrary, I accept that these documents were served to the Tenant in accordance with section 89 of the *Residential Tenancy Act*.

### Issue(s) to be Decided

Is the Landlord is entitled to a monetary Order for unpaid rent?

### Background and Evidence

The Landlord submitted a copy of a tenancy agreement that shows this tenancy began on November 01, 2012 and that the Tenant agreed to pay monthly rent of \$1,000.00 by the first day of each month. The Landlord stated that the Tenant still owes \$600.00 in rent for December of 2012 and that no rent has been paid for January, February, or March of 2013.

The Landlord stated that on February 25, 2013 he and his sister personally served a Ten Day Notice to End Tenancy for Unpaid Rent, which had a declared effective date of March 06, 2013, to the female Tenant. The Notice declared that the Tenant failed to pay \$2,600.00 in rent that was due on February 01, 2013.

The Landlord stated that the Tenant vacated the rental unit on March 10, 2013, and he is seeking \$322.00 in rent for the ten days the Tenant occupied the rental unit in March.

### Analysis

Based on the undisputed evidence, I find that the Tenant entered into a tenancy agreement with the Landlord that requires the Tenant to pay monthly rent of \$1,000.00 by the first day of each month; that the Tenant still owes \$600.00 in rent from December of 2012, \$1000.00 in rent from January of 2013, \$1,000.00 in rent from February of 2013, and per diem rent for the ten days in March the Tenant remained in the unit, at a per diem rate of \$32.26; and that a Notice to End Tenancy for Unpaid Rent was personally served to the female Tenant on February 25, 2013, which required the Tenant to vacate by March 06, 2013.

I find that the Application for Dispute Resolution has merit and that the Tenant must compensate the Landlord for the fee for filing the Application.

### Conclusion

The Landlord has established a monetary claim, in the amount of \$2,972.60, which is comprised of unpaid rent of \$2,922.60 and the \$50.00 filing fee. Based on these determinations I grant the Landlord a monetary Order for the amount of \$2,972.60. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: March 27, 2013

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Residential Tenancy Branch

