



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

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.

Both parties appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

Issue to be Decided

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

Background and Evidence

The tenancy began on June 1, 2009. The amount of rent payable from time to time was determined on the basis of 30% of the tenant's and occupant's gross monthly household income or such other percentage as shall be determined by applying the B.C. Rent Scale applicable, or such other rent scale as the landlord may determine from time to time.

During the hearing, the tenant (GK) agreed that they owe \$2,034.00 in unpaid rent.

Analysis

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

As a result, of the tenant admitting rent was owed, I find that the landlord has established a total monetary claim of **\$2,084.00** comprised of the unpaid rent and the \$50.00 fee paid for this application.

In this case, the landlord has applied for a monetary order against the tenants (GK) and (MM). However, the tenancy agreement indicated that (MM) is an occupant and not a tenant.

An occupant is defined in the *Residential Tenancy Policy Guideline Manual*, section 13 as follows: where a tenant allows a person who is not a tenant to move into the premises and share the rent, the new occupant has no rights or obligations under the original tenancy agreement, unless all parties (owner/agent, tenant, occupant) agree to enter into a tenancy agreement to include the new occupant as a tenant.

As a result, the above monetary order will apply only to the tenant (GK).

Conclusion

The landlord is granted a monetary order with respect to the tenant (GK).

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 25, 2013

Residential Tenancy Branch