



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, O, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

At the hearing, the parties agreed that the tenant had vacated the rental unit on March 19, 2013. As an order of possession is no longer required, I consider that claim to have been withdrawn.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The parties agreed that the tenant was responsible to pay \$650.00 per month in rent on the first day of each month. They further agreed that the tenant paid no rent in the month of March.

The tenant claimed that he did not pay rent because the landlord locked him out of the unit on March 16 and assaulted him at some point during March. The tenant argued that rent should not be payable as the landlord had not acted in accordance with the law and indicated that he intended to make a claim against the landlord.

Analysis

Section 26(1) of the Act provides that a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with the Act.

I find that the tenant had a contractual obligation to pay rent on March 1. As he has acknowledged that he failed to do so, I find that the landlord is entitled to recover

\$650.00 in rent for that month. I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application and I award the landlord a total of \$700.00. I grant the landlord a monetary order under section 67 for \$700.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

I note that because I do not have a claim from the tenant before me, I cannot consider his claims. The tenant is free to bring his claim against the landlord within 2 years of the end of the tenancy.

Conclusion

The landlord is granted a monetary order for \$700.00.

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 10, 2013

Residential Tenancy Branch

