



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 the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 9:45 a.m. in order to enable him to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that on or about December 21, 2012, the tenant gave him oral notice that he would be ending his tenancy by December 31, 2012. The landlord testified that he sent a copy of his dispute resolution hearing package to the tenant at the forwarding address the tenant gave to him by registered mail on March 22, 2013. The landlord provided the Canada Post Tracking Number to confirm this registered mailing. I am satisfied that the landlord served his hearing package to the tenant in accordance with the *Act*.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

This periodic tenancy commenced on May 1, 2011. Monthly rent was set at \$750.00, payable in advance on the first of each month. The tenant paid a \$350.00 security deposit on May 1, 2011. The tenant vacated the premises by January 7, 2013.

The landlord testified that the tenant sublet the rental unit to sub-tenants without his permission. The landlord gave sworn testimony that the tenant retrieved his security deposit by requiring the sub-tenants to pay him a \$350.00 security deposit. The landlord has now entered into a separate tenancy agreement with the two individuals who the tenant obtained as sub-tenants. The landlord testified that the \$350.00 security

deposit for the tenant's tenancy has been returned to the tenant by way of the sub-tenants. As such, the \$350.00 security deposit originally paid by the tenant is now held by the landlord for the new tenancy established with the former sub-tenants.

The landlord testified that the tenant's only payment towards the rent for January 2013 was a \$100.00 payment the tenant made to the landlord on February 1, 2013. The landlord's application for a monetary award of \$650.00 was for unpaid rent of that amount for January 2013. The landlord also applied for the recovery of his \$50.00 filing fee from the tenant.

Analysis

Based on the landlord's undisputed written evidence and sworn testimony, I find that the landlord is entitled to a monetary award of \$650.00 in unpaid rent owed by the tenant to the landlord for January 2013. As the landlord has been successful in his application, I allow him to recover his \$50.00 filing fee from the tenant.

Conclusion

I issue a monetary Order in the landlord's favour under the following terms, which allows the landlord to recover unpaid rent and his filing fee for this application.

Item	Amount
Unpaid January 2013 Rent	\$750.00
Less Tenant's February 1, 2013 Payment	-100.00
Recovery of Filing Fee for this Application	50.00
Total Monetary Order	\$700.00

The landlord is provided with these Orders in the above terms and the tenant must be served with this Order as soon as possible. Should the tenant fail to comply with these Orders, these Orders may be filed in th

e Small Claims Division of the Provincial Court and enforced as Orders 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 *Residential Tenancy Act*.

Dated: May 13, 2013

Residential Tenancy Branch

