



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent.

Both parties attended the hearing by conference call and gave testimony. The Tenant has acknowledged receiving the Landlord's notice of hearing package and documentary evidence. The Tenant has not submitted any documentary evidence. As both parties have attended the hearing and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

At the beginning of the hearing the Landlord clarified that the application for an order of possession is withdrawn as the Tenant has previously vacated the rental unit.

It was clarified with both parties during the hearing that the Landlord's application is limited to the original amount filed as no further information was provided in the details of dispute nor did the Landlord make an application to amend the monetary claim.

### Issue(s) to be Decided

Is the Landlord entitled to a monetary order?

### Background and Evidence

This Tenancy began on December 1, 2011 on a fixed term tenancy ending on November 30, 2012 and then thereafter on a month to month basis as shown by the submitted copy of the signed tenancy agreement. The monthly rent was \$1,700.00 and an \$850.00 security deposit was paid.

The Landlord seeks a monetary order for unpaid rent of \$23,800.00. The Tenant disputes the Landlord's claims, but has not provided any details of proof of rent payments. The Tenant states that he has proof but did not submit any. The Landlord

states that the Tenant failed to pay rent for 11 months in 2007 (\$18,700.00), 2 months for 2009 (\$3,400.00), 4 months for 2010 (\$6,800.00) and 2 months for 2012 (\$3,400.00). The Landlord clarified that this amount equals to \$32,300.00, but that at the time of the application he filed for \$28,300.00 before itemising the arrears in detail. The Landlord has provided a written detailed breakdown of the rent arrears from 2006 to 2012, a copy of the signed tenancy agreement, copies of banking statements from 2006 to 2008 and copies of cancelled cheques.

The Landlord clarified that the Tenant is an oilfield worker and it would not be unusual for him to receive his pay after waiting several months. The Landlord stated that he was an oilfield worker as well and was very understanding of the situation and allowed the rent arrears to be paid late.

### Analysis

I find on a balance of probabilities that I prefer the evidence of the Landlord over that of the Tenant. The Landlord has provided a detailed written accounting of a rent ledger, copies of his bank account statements for his mortgage account for the rental and cancelled cheques, all of which lead me to prefer his detailed evidence over that of the Tenant's denial. The Tenant stated that he had proof of payment, but did not submit any documents even after stating that he read in detail the notice of a hearing package. The Landlord is granted a monetary order for \$23,800.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The Landlord is granted a monetary order for \$23,800.00.

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: May 23, 2013

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Residential Tenancy Branch

