



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 an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67; and
- b) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Both parties attended and the tenant agreed he received personally the Application for Dispute Resolution. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that the tenant owes rent arrears and the amount of the arrears? Are they entitled to recover the filing fee for this application?

Background and Evidence:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in May 2012, a security deposit of \$525 was paid and rent is \$1050 a month. The tenant said he had a problem with his government income supplement in August 2012 and he began to make partial payments. The landlord is claiming the rental arrears of \$500.00.

The tenant disputes the amount owing and pointed out that the problem seems to be a \$350 payment he made in August 2012 was not taken into account by the landlord. The landlord disagrees and has provided a rental ledger which they say accounts for all amounts paid and owing. They also provided copies of the receipts given to the tenant showing the rent paid for each month; on the side of each receipt, they note the partial payments made and the date made to make up the full amount of that month's rent.

The landlord said that when the tenant disagreed and they asked him to provide statements of his accounts, he said they were all in his head. He also did not provide bank statements or anything else to support his disagreement with the amounts. The tenant provided for evidence a handwritten account of payments he said he made and pointed out the \$350 payment which he recorded in August 2012 and which he said the landlord had not taken into account.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

As pointed out to the parties in the hearing, the onus of proof is on the party making the claim to prove their claim on the balance of probabilities. In this case, the onus is on the landlord to prove there are rent arrears and the amount owing. I find the landlord's evidence most credible as it is well supported by the records made at the time. I find that the landlord has accounted for every payment in the rental ledger and a \$350 payment is recorded in early September. The accuracy of the rental ledger is also supported by the notes on each receipt recording the partial payments towards that month's rent.

While the tenant presented his evidence in a straightforward manner and said he had every intention to pay the full rent, I find that he did not provide sufficient detailed records made at the time of payment to support his disagreement with the landlord's detailed records.

I find that there are rental arrears in the amount of \$500 to April 30, 2013.

Conclusion:

I find the landlord is entitled to a monetary order for \$500 plus the filing fee of \$50.

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: June 11, 2013

Residential Tenancy Branch

