



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Nu-gen Projects Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened to deal with the direct request application for dispute resolution under the Residential Tenancy Act (the "Act") filed by the landlord for an order of possession for the rental unit and a monetary order for unpaid rent.

In a decision dated May 17, 2013, I ordered that this matter be convened to a participatory hearing in order to clarify the amount of unpaid rent claimed by the landlord. This Decision should be read in conjunction with the Interim Decision of May 17, 2013. The participatory hearing was to determine whether the amount requested by the landlord included sums other than unpaid rent.

At the convened hearing, the landlord appeared and gave evidence that the tenants had vacated the rental unit on May 22, 2013, and that he was unable to serve the tenants the notice of this hearing as the tenants provided no forwarding address.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

The landlord confirmed that the amount of unpaid rent requested in his application for dispute resolution was for rent only, not for other sums such as for fees for cleaning and late fees. The amount claimed was \$1650, comprised of \$150 for April and \$1500 for May, 2013, as listed on the 10 Day Notice to End Tenancy for Unpaid Rent.

Analysis

Section 10.1 of the Residential Tenancy Branch Rules of Procedure (Rules) allows the Arbitrator to conduct the hearing in the absence of a party and make a decision.

I find that the tenants were properly served with the original direct request application and have not filed any response thereto. I therefore made the decision to proceed with the hearing for the conclusion of the landlord's application for direct request despite the landlord not being able to serve the tenants notice of this hearing, as only a clarification was necessary.

I also find that the landlord has submitted sufficient evidence at the hearing that the tenants owed rent as claimed by the landlord and failed to pay rent in the amounts claimed and I therefore grant the landlord's application for a monetary order for unpaid rent in the amount of \$1650.

Conclusion

The landlord's application is granted.

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act in the amount of \$1650, which I have enclosed with the landlord's Decision.

This order must be served on the tenants. Should the tenants fail to pay the landlord this amount without delay, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court. The tenants are advised that costs of enforcement may be recoverable from the tenants.

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* and is being mailed to both the applicant and the respondent.

Dated: June 21, 2013

Residential Tenancy Branch