



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Middlegate Developments 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 23, 2013, I granted the landlord an order of possession for the rental unit and ordered that the other matter of monetary compensation 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 23, 2013. The participatory hearing was ordered to determine whether the amount requested by the landlord in their application and 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") was in accordance with the allowable rent increases since the tenancy began March 2005; further the landlord was directed to supply the evidence proving each rent increase.

At the convened hearing, neither the landlord nor the tenant appeared.

Issue(s) to be Decided

Is the landlord entitled to a monetary order?

Background and Evidence

Although the landlord did not appear, they submitted documentary evidence prior to the hearing showing each rent increase, which I note was on the proper form and within the allowable amounts as granted by the authority of the Residential Tenancy Branch ("RTB").

The final increase brought the monthly rent to \$1084, the amount claimed by the landlord in their application for dispute resolution and listed on the Notice.

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 therefore made the decision to proceed with the conclusion of the landlord's application for direct request despite the landlord not being present due to the documentary evidence submitted by the landlord in advance of the hearing.

I find that the landlord submitted sufficient evidence to prove that each notice of rent increase since the tenancy began was in compliance with the Act as to form and content and within the allowable amounts.

I therefore find that the landlord has submitted sufficient evidence that the tenants owed rent as claimed by the landlord and failed to pay and I grant the landlord's application for a monetary order for unpaid rent in the amount of \$1084.

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 \$1084, which I have enclosed with the landlord's Decision.

This order must be served on the tenant. Should the tenant 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 tenant is advised that costs of enforcement may be recoverable from the tenant.

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