



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF, CNR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlord. Both files were heard together.

The tenant's application is a request to cancel a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$1500.00 and a request to allow the tenant to reduce the rent; however the tenant did not appear on the conference call for today's hearing and therefore her application was dismissed.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$800.00, and a request for recovery of the \$50.00 filing fee; however at the time of the hearing the tenant had already vacated the rental unit and therefore the landlord is no longer requesting an Order of Possession and since the tenant vacated the rental unit he is reducing the monetary claim to \$400.00.

Some documentary evidence, photo evidence, and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the landlords the opportunity to testify at the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to a Monetary Order for outstanding rent totaling \$400.00?

Background and Evidence

The landlord testified that:

- The tenant failed to pay the June 2013 rent of \$400.00 and therefore on June 3, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that Notice to End Tenancy and therefore on June 20, 2013 he applied for Dispute Resolution.
- The tenant subsequently vacated the rental unit on July 1, 2013, however the June 2013 rent was never paid.
- He is therefore requesting a Monetary Order for \$400.00 for the outstanding June 2013 rent, and is also requesting recovery of the \$50.00 filing fee.

Analysis

It is my finding that the landlord has shown that the tenant failed to pay the June 2013 rent, even though she lived in the rental unit for the full month of June 2013.

I therefore allow the landlords request for a Monetary Order for the outstanding \$400.00 June 2013 rent and for recovery of the \$50.00 filing fee.

Conclusion

Tenant's application

The tenant's application is dismissed in full without leave to reapply.

Landlord's application

I have issued a Monetary Order in the amount of \$450.00.

As stated above, the landlord withdrew the application for an Order of Possession.

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: July 08, 2013

Residential Tenancy Branch

