

DECISION

Dispute Codes:

OPR, MNR, FF

Introduction:

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent and Utilities, a monetary Order for unpaid rent and utilities, and to recover the fee for filing an Application for Dispute Resolution. At this hearing the Landlord withdrew the application for a monetary Order for unpaid utilities. The Landlord retains the right to file another Application for Dispute Resolution for unpaid utilities.

There is no need to consider the application for an Order of Possession at this hearing as I granted the Landlord an Order of Possession at a previous dispute resolution proceeding (**#redacted**), which was effective June 28, 2013. At the previous hearing the Landlord and the Tenant were advised that the Landlord's application for a monetary Order would be determined at a reconvened hearing; that the Residential Tenancy Branch would mail a copy of the Notice of Reconvened Hearing directly to each party; and that both parties were expected to attend at the time/date on that Notice. The Tenant was not represented at the reconvened hearing.

The Landlord submitted documents to the Residential Tenancy Branch. The female Landlord stated that copies of these documents were sent to the Tenant, via registered mail, on May 28, 2013 and June 10, 2013. In the absence of evidence to the contrary, I accept that these documents were served to the Tenant and they were accepted as evidence for these proceedings.

Issue(s) to be Decided:

Is the Landlord entitled to a monetary Order for unpaid rent?

Background and Evidence:

The female Landlord stated that this tenancy began on September 20, 2010; that the Tenant was required to pay monthly rent of \$1,000.00 by the first day of each month; that the Tenant was also obligated to pay for utilities; and that the Tenant vacated the unit on June 28, 2013.

The female Landlord stated that the Tenant currently owes \$5,235.00 in unpaid rent. The Landlord submitted a copy of a ledger that shows the Tenant owed \$4,235.00 in rent for the period ending May 31, 2013. The female Landlord stated that none of this rent has been paid and that no rent was paid for June of 2013.

Analysis

Based on the testimony of the female Landlord and the rent ledger submitted in evidence, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$1,000.00 by the first day of each month and that the Tenant owes \$4,235.00 in rent for the period ending May 31, 2013. As the Tenant is required to pay rent pursuant to section 26(1) of the *Act*, I find that the Tenant must pay \$4,235.00 in outstanding rent to the Landlord.

Based on the testimony of the female Landlord, I find that the Tenant did not pay any rent for June of 2013. As the Tenant was obligated to vacate the rental unit by June 28, 2013, I find that she was only obligated to pay rent for 28 days in June, at a daily rate of \$33.33, which equates to \$933.24.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

The Landlord has established a monetary claim, in the amount of \$5,218.24, which is comprised of \$5,168.24 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution and I grant a monetary Order for that amount. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

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: August 12, 2013

Residential Tenancy Branch