



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0843652 B.C. LTD & DJK
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary Order for unpaid rent and utilities and to recover the filing fee for this proceeding

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by personal delivery on September 17, 2013. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and utilities and if so how much?

Background and Evidence

This tenancy started on August 1, 2013 when the Landlord took over ownership of the rental unit. No new tenancy agreement was completed, but the existing tenancy agreement continued with the new Landlord. Rent is \$750.00 per month payable in advance of the 1st day of each month. The Tenant did not pay the new Landlord a security deposit.

At the start of the conference call the Landlord said the Tenant moved out of the unit on October 1, 2013, therefore the Landlord said he does not need an order of Possession and the Landlord withdrew his request for an Order of Possession.

The Landlord said that the Tenant did not pay \$750.00 of rent for August, 2013 when it was due and as a result, on September 4, 2013 he personally delivered a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 4, 2013. The Landlord said the Tenant also has unpaid rent for September, 2013 in the amount of \$750.00. The Landlord said his total claim for unpaid rent is \$1,500.00

The Landlord also requested to recover the \$50.00 filing fee for this proceeding.

Analysis

Section 20 of the Act says a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has the right under this Act to deduct all or a portion of the rent.

I find that the Landlord is entitled to recover unpaid rent for August, 2013 in the amount of \$750.00 and unpaid rent for September in the amount of \$750.00.

As the Landlord has been successful in this matter, he is also entitled to recover from the Tenant the \$50.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Unpaid rent	\$ 1,500.00
Recover Filing Fee	<u>\$ 50.00</u>
Subtotal	\$ 1,550.00
 Balance Owing	 <u>\$1,550.00</u>

Conclusion

A Monetary Order in the amount of \$1,550.00 has been issued to the Landlord. A copy of the Order must be served on the Tenant; the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: October 28, 2013

Residential Tenancy Branch