



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord and the tenant.

At the outset of the hearing the parties confirmed the tenant had vacated the rental unit on or before September 16, 2013. As such, the landlord is no longer in need of an order of possession and I amend her Application to exclude the matter of possession.

During the hearing the landlord reduced her claim to exclude unpaid rent amounts from March, April, and May 2013. I amend her Application to reflect this reduction.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent; and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Residential Tenancy Act* (Act).

Background and Evidence

The parties agreed the tenancy began as a month to month tenancy beginning on January 1, 2013 for the monthly rent of \$700.00 due on the 1st of each month and a security deposit of \$350.00 was paid

The parties agree that the tenant did not pay any rent for the months of August and September 2013.

Analysis

Section 26 stipulates that a tenant must pay rent when it is due under the tenancy agreement whether or not the landlord complies with the Act, regulation or tenancy

agreement, unless the tenant has a right under the *Act* to deduct all or a portion of the rent.

Based on the agreement of both parties I find that the tenant failed to pay rent to the landlord for the months of August and September 2013. I also find that the tenant had no authority under the *Act* to withhold the payment of any portion of rent and as such the landlord is entitled to receive the outstanding rent.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,450.00** comprised of \$1,400.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$350.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$1,100.00**.

This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: October 02, 2013

Residential Tenancy Branch

