



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenant's application (filed September 22, 2013): CNC; CNR; MNDC; OLC; FF

Landlords' application (filed October 22, 2013): OPR; MNR; MNDC; MNSD; FF

Introduction

This Hearing was convened on November 1, 2013 to consider cross applications. The Tenant sought to cancel a Notice to End Tenancy for Cause; to cancel a Notice to End Tenancy for Unpaid Rent; compensation for damage or loss under the Act, regulation or tenancy agreement; an Order that the Landlord comply with the Act; and to recover the cost of the filing fee from the Landlord.

The Landlords sought an Order of Possession for Unpaid Rent; a Monetary Order for unpaid rent and damages; compensation for damage or loss under the Act, regulation or tenancy agreement; to retain the security deposit in partial satisfaction of their monetary award; and to recover the cost of the filing fee from the Tenant.

At the November 1, 2013, Hearing, the Tenant's application to cancel two Notices to End Tenancy was dismissed and the Landlords were provided with an Order of Possession. The remaining portions of the parties' applications were adjourned to December 19, 2013. An Interim Decision was issued on November 4, 2013, which should be read in conjunction with this Decision. The Residential Tenancy Branch provided both parties with Notices of the Reconvened Hearing.

The Tenant did not sign into the reconvened Hearing, which remained open for 15 minutes. Therefore his application was dismissed in its entirety.

Preliminary Matter

The Landlords provided new evidence and sought to amend their application to include a claim for additional damages. However, my Interim Decision was clear that the only new evidence that would be accepted was documentation to support the parties' submissions regarding payment or non-payment of rent. I ordered that no further evidence would be accepted by either party. Therefore, I advised the Landlords that I would not accept their new evidence and that they are at liberty to file another application for those damages.

Issues to be Decided

- Are the Landlords entitled to a monetary award for unpaid rent and recovery of strata fines?

Background and Evidence

The Landlords provided documentation with respect to rent payments made. Contrary to my Order of November 4, 2013, the Tenant did not provide any documentary evidence to support his allegation that he had paid rent.

Analysis

I accept the Landlords' undisputed evidence with respect to non-payment of rent in the total amount of **\$3,500.00**. Likewise, I also accept the Landlords' undisputed evidence with respect to the strata fines in the total amount of **\$820.00**.

Pursuant to Section 72(2)(b) of the Act, the Landlords may apply the security deposit towards partial satisfaction of their monetary award. No interest has accrued on the security deposit.

The Landlords have been successful in their application and I find that they are entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

I hereby provide the Landlords with a Monetary Order, calculated as follows:

Unpaid rent	\$3,500.00
Compensation for damage or loss	\$820.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$4,370.00
Less security deposit	<u>- \$750.00</u>
TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF	\$3,620.00

Conclusion

I hereby grant the Landlords a Monetary Order in the amount of **\$3,620.00** against the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

The Tenant's application is dismissed in its entirety, **without leave to reapply**.

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: January 08, 2014

Residential Tenancy Branch

