



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This hearing was scheduled in response to the landlord's Application for Dispute Resolution, originally made via the Direct Request Proceeding process. An interim decision was issued on March 4, 2014. The landlord has requested an Order of possession for unpaid rent and a monetary Order for unpaid rent. The ex parte proceeding was convened to a participatory hearing to clarify the details of the tenancy.

The landlord provided affirmed testimony that on March 12, 2014 copies of the Application for Dispute Resolution, Notice of Hearing and evidence were sent to the tenant via registered mail at the address noted on the application. The mail was not returned and was delivered to the tenant prior to the date she vacated the unit; March 29, 2014.

These documents are deemed to have been served on the 5th day after mailing, in accordance with section 89 and 90 of the Act; however the tenant did not appear at the hearing.

Preliminary Matters

As the tenant has vacated the unit an Order of possession is not required.

Issue(s) to be Decided

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

Background and Evidence

The tenancy commenced on October 1, 2013; rent was initially \$1,200.00 per month but was changed to \$1,400.00 per month so that the tenant would not have to pay utilities separately. The tenant had difficulty making separate payments and agreed to increase the amount of rent owed by \$200.00 per month. A copy of the tenancy agreement was supplied as evidence; the original sum of rent was crossed out and \$1,400.00 was inserted.

The application indicated a claim in the sum of \$200.00 for utilities; but the landlord testified that was included in the rent owed and was not a separate claim.

The landlord stated that a 10 day Notice to end tenancy for unpaid rent had been given to the tenant on February 18, 2014. The tenant did not dispute the Notice but did not vacate on the effective date of the Notice.

The landlord said the tenant did not pay February or March 2014 rent in the sum of \$2,800.00. The application included a claim for February rent only.

Analysis

Pursuant to section 64 of the Act, I have amended the application to include unpaid March 2014 rent in the sum of \$1,400.00. Rent is the most basic term of a tenancy and the tenant would be fully aware rent is owed.

The tenant was served notice of this hearing but failed to attend to dispute the claim. Therefore, I find on the balance of probabilities and the evidence before me that rent was \$1,400.00 per month and included utility costs. Pursuant to section 65 of the Act I find that the landlord is entitled to compensation in the sum of \$2,800.00 for unpaid February and March 2014 rent.

Therefore, the landlord has established a monetary claim, in the amount of \$2,800.00, which is comprised of February, and March 2014 rent.

Based on these determinations I grant the landlord a monetary Order in the sum of \$2,800.00. 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 should be read in conjunction with the interim decision issued on March 4, 2014.

Conclusion

The landlord is entitled to a monetary Order for unpaid rent.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: April 25, 2014

Residential Tenancy Branch

