



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNDC, FF

Introduction

This hearing was scheduled in response to cross applications.

On May 16, 2014 the Landlord filed an Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, and to recover the fee for filing this Application for Dispute Resolution. At the outset of the hearing the Landlord withdrew the application for an Order of Possession, as the rental unit was vacated at the end of May of 2014.

On May 14, 2014 the Tenant filed an Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Unpaid Rent, for more time to apply to set aside a Notice to End Tenancy, and for a monetary Order for money owed or compensation for damage or loss.

The male Landlord stated that on May 16, 2014 the Application for Dispute Resolution, and the Notice of Hearing were sent to each Tenant, via registered mail, at the service address noted on the Application. The Landlord submitted Canada Post receipts that corroborate this statement. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the Tenant did not appear at the hearing.

On June 27, 2014 the Landlord submitted numerous documents to the Residential Tenancy Branch, which the Landlord wishes to rely upon as evidence. The male Landlord stated that these documents were served to the Tenant by registered mail and email on June 30, 2014. In the absence of evidence to the contrary, I find that these documents have been served in accordance with section 88 of the *Act* and they were accepted as evidence for these proceedings.

Preliminary Matter

The hearing was scheduled to begin at 2:30 p.m. on July 08, 2014 and it began at the scheduled start time. By the time the hearing was concluded at 2:50 p.m., the Tenant had not appeared at the hearing. I find that the Tenant failed to diligently pursue the Tenant's Application for Dispute Resolution and I therefore dismiss the Application without leave to reapply.

Issue(s) to be Decided

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

Background and Evidence

The male Landlord stated that this tenancy began on May 01, 2013 and that the Tenant agreed to pay monthly rent of \$995.00 by the first day of each month. He stated that the rental unit was vacated by the end of May and he is seeking compensation for unpaid rent for that month.

The male Landlord stated that on May 05, 2014 a Ten Day Notice to End Tenancy for Unpaid Rent, which declared that the Tenant must vacate the rental unit by May 15, 2014, was sent to the Tenant by registered mail. He stated that the rental unit was vacated by the end of May of 2014.

Analysis

On the basis of the undisputed evidence, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$995.00 by the first day of each month. Section 26(1) of the *Act* requires tenants to pay rent to their landlord when it is due.

On the basis of the undisputed evidence, I find that the Tenant has not paid rent for May of 2014. As the Tenant is required to pay rent pursuant to section 26(1) of the *Act*, I find that the Tenant must pay \$995.00 in rent for May.

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

Conclusion

The Landlord has established a monetary claim, in the amount of \$1,045.00, which is comprised of \$995.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Based on these determinations I grant the Landlord a monetary Order for the amount of \$1,045.00. 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 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: July 10, 2014

Residential Tenancy Branch

