



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O, FF

Introduction

This is an application filed by the tenant for a monetary order for money owed or compensation for damage or loss and recovery of the filing fee.

The tenant attended the hearing by conference call and gave undisputed testimony. The landlord did not attend or submit any documentary evidence. The tenant states that the relationship with the landlord was that of a sublease. The landlord absconded without providing a contact number or address. The tenant states that the landlord was located via his work address and that the landlord was personally served on June 4, 2014 at the listed work address of the landlord. The tenant states that a photograph was taken of the service, but not provided as evidence. As such, I am satisfied that the landlord was served with the notice of hearing package and the submitted documentary evidence.

The tenant also stated during the hearing that his mailing address has changed and has provided it during the hearing to update his contact information. As such, the tenant's address shall be updated in relation to this file.

Issue(s) to be Decided

Is the tenant entitled to a monetary order?

Background and Evidence

This tenancy began on April 5, 2012 on a fixed term tenancy for 6 months ending on September 30, 2012. The monthly rent was \$1,150.00 payable on the 1st of each month. The tenant states that the landlord was a renter who then subleased the rental to them as shown by the submitted copy of the signed tenancy agreement dated April 2, 2014.

The tenant states that an agreement to pay a lump sum of \$3,850.00 dated April 11, 2012 for the remaining 5 months of the fixed term tenancy was made with the landlord as shown by the submitted copy of the agreement.

The tenants state that the landlord absconded with the pre-payment and failed to pay his rent to the owner which resulted in the tenants being evicted on June 30, 2014. The tenant seeks a monetary order for the recovery of the remaining 4 months of prepaid rent of \$4,600.00.

The tenant is unable to provide any details of why his monetary claim is for \$4,550.00 instead of the \$4,600.00 for the remaining 4 months of prepaid rent.

Analysis

I accept the undisputed evidence of the tenant and find that a claim has been established for recovery of the prepaid rent of \$4,600.00 for the remaining 4 months of rental. The tenant's landlord absconded with the remaining prepaid rent and failed to provide the rental unit as promised. The tenant is limited to the amount applied for as stated for \$4,550.00. The tenant is also entitled to recovery of the \$50.00 filing fee. The tenant is granted a monetary order under section 67 for the amount due of \$4,600.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant is granted a monetary order for \$4,600.00.

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 18, 2014

Residential Tenancy Branch

