



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 convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the fee for filing this Application for Dispute Resolution. At the outset of the hearing the Agent for the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

The Agent for the Landlord stated that on December 19, 2014 she personally served the male Tenant with the Application for Dispute Resolution, the Notice of Hearing and documents the Landlord wishes to rely upon as evidence. In the absence of evidence to the contrary, I find that these documents have been served to the male Tenant in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the male Tenant did not appear at the hearing.

The Agent for the Landlord stated that the Application for Dispute Resolution and the Notice of Hearing were not served to the female Tenant. As these documents were not served to the female Tenant, I dismiss the Landlord's application for a monetary Order naming this party.

Issue(s) to be Decided

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

Background and Evidence

The Agent for the Landlord stated that this tenancy began on February 28, 2014 and that the male Tenant agreed to pay rent of \$550.00 by the first day of each month. This testimony is corroborated by the tenancy agreement that was submitted as evidence.

The Agent for the Landlord stated that the Tenant did not pay any rent for October, November, or December of 2014, and that he owes \$1,650.00 in rent. The Landlord submitted a copy of a Ten Day Notice which declares that the Tenant failed to pay rent of \$1,650.00 that was due on December 01, 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 \$550.00 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 October, November, or December 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 \$1,650.00 in outstanding rent to the Landlord.

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 \$1,700.00, which is comprised of \$1,650.00 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 balance of \$1,700.00. 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: January 15, 2015

Residential Tenancy Branch

