



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kanata Ventures Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, FF

Introduction

This was the hearing of an application by the landlord for a monetary award for unpaid rent. The hearing was conducted by conference call. The landlord's representatives called in and participated in the hearing. The tenant did not attend the hearing and did not submit any evidence in reply to the claim although he was served with the application and Notice of Hearing sent by registered mail on September 16, 2014. The application was served substitutionally by registered mail sent to the address of the tenant's accountant pursuant to the decision of an arbitrator dated September 12, 2014. Based on the documents provided, I find that the tenant has been validly served with the application for dispute resolution and Notice of Hearing.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent for the month on May, 2014 in the amount of \$2,435.00?

Background and Evidence

The rental unit is a strata title residential apartment in Vancouver. According to the documents supplied by the landlord the tenancy began more than a decade ago. On May 6, 2013 the tenancy was renewed for a one year fixed term commencing June 1, 2013 and ending May 31, 2014 at a monthly rent of \$2,435.00.

The tenancy was not renewed for a further term and the tenant moved out on or about June 15, 2014. The landlord submitted evidence that established that the tenant paid rent for the period from June 1, 2014 to June 15, 2014 and that the tenant's security deposit and interest in the amount of \$1,118.08 was refunded to the tenant.

The landlord's representatives testified they it was only after the tenancy had ended that the landlord discovered the rent for May, 2014 was not paid by the tenant as it ordinarily was done by deposit to the landlord's bank account. The landlord submitted copies of many e-mail messages sent to the tenant asking him to pay the outstanding rent for May. The landlord's representative referred me to an e-mail message from the tenant dated August 16, 2014; in that message the tenant complained about the landlord's decision to end the tenancy and then stated: "Our companies at this time are short of funds so you can wait or write it off."

The landlord's representative testified that throughout the tenancy the rental unit was rented as residential accommodation. She said that the landlord learned at the end of the tenancy that the tenant was apparently using the rental unit for office purposes without the landlord's knowledge or consent and this was one of the reasons why the landlord decided not to continue the tenancy.

Analysis

Based on the documentary evidence presented and the e-mail communication from the tenant, I find that the tenant failed to pay rent for the month of May, 2014 in the amount of \$2,435.00 and I grant the landlord an award in the said amount.

Conclusion

The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2,485.00 and I grant the landlord an order under section 67 for the said sum. This order may be registered in the 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: April 14, 2015

Residential Tenancy Branch

