



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties appeared and had an opportunity to be heard.

At the beginning of the hearing the parties advised that the tenants had moved out of the rental unit and an order of possession was not required.

Issue(s) to be Decided

Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This month-to-month tenancy commenced December 1, 2014. The monthly rent of \$1300.00 was due on the first day of the month. The tenant said that actually the rent was \$1000.00 for the suite and \$300.00 for the shop and property. The tenants paid a security deposit of \$500.00.

The parties agree that the tenants paid the December and January rent in full. The landlord says she did not receive any rent for February or March. The tenant says he may have made some payments in February but he really has no idea of what he has paid in rent during this tenancy. He did acknowledge that they did not pay any rent for March.

With regard to the claim for damages the landlord said the tenants damaged the dryer and stove but provided no other evidence of the damage or the cost to repair the damages or to replace the items.

Analysis

On any claim the onus is on the applicant to prove their claim on a balance of probabilities. The landlord did not provide sufficient evidence to prove her claim for damage to the rental unit so that aspect of her claim is dismissed.

The landlord did establish, on a balance of probabilities, that the rent for February and March was not paid; a total of \$2600.00. In addition, she is entitled to reimbursement of the \$50.00 fee she paid to file this application. I order that the landlord retain the security deposit of \$500.00 in partial satisfaction of this claim and I grant the landlord an order under section 67 for the balance due of \$2150.00.

Conclusion

A monetary order in favour of the landlord has been made. If necessary, this order may be filed 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 09, 2015

Residential Tenancy Branch

