



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPT MNDC LRE O OPC OPR MNR FF

Introduction

This matter first convened on May 8, 2015, pursuant to the tenant's application for an order of possession of the rental unit, an order suspending or setting conditions on the landlord's right to enter the rental unit and monetary compensation. On that date, the tenant and the landlord attended the teleconference hearing. The arbitrator determined that it was appropriate to adjourn the tenant's application and join it to be heard together with the landlord's application, scheduled to be heard by me on May 19, 2015.

On May 19, 2015 the landlord and the tenant participated in the reconvened hearing on both files. The landlord applied for an order of possession and monetary compensation for unpaid rent.

The tenant stated that he was moving out of the rental unit, and he did not oppose the landlord receiving an order of possession. I accordingly grant an order of possession effective two days after service.

It was not necessary for me to consider the portions of the tenant's application regarding an order of possession of the rental unit and an order suspending or setting conditions on the landlord's right to enter the rental unit.

Due to an administrative error I did not have the tenant's file before me at the time of the hearing. I informed the tenant that I would obtain his file and determine the appropriate action regarding his application for monetary compensation. I received the tenant's file on May 22, 2015, and I determined it was appropriate to dismiss the tenant's monetary claim with leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for unpaid rent?

Background and Evidence

The tenancy began on November 30, 2014, with monthly rent of \$500 due in advance on the first day of each month. The landlord stated that the tenant owed \$105 from a previous month, \$500 for April 2015 and \$500 for May 2015. The tenant confirmed that he did not pay the landlord these amounts.

Analysis

Based on the evidence of the landlord and the tenant, I find that the landlord is entitled to \$1105 in unpaid rent. The tenant has continued to occupy the rental unit up until the date of the hearing, and it would not be reasonable to expect the landlord to be able to re-rent the unit before the end of May 2015.

As his application was successful, the landlord is also entitled to recovery of the \$50 filing fee for the cost of his application.

Conclusion

The tenant's application for an order of possession of the rental unit and an order suspending or setting conditions on the landlord's right to enter the rental unit are dismissed.

The tenant's application for monetary compensation is dismissed with leave to reapply.

I order that the tenancy ends either two days after the landlord serves the tenant with the order of possession or the date that the tenant vacates the unit, whichever date occurs first.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 67 for the balance due of \$1155. 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: May 22, 2015

Residential Tenancy Branch

