



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNDC & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served by mailing, by registered mail to where the tenant resides on April 1, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to A Monetary Order and if so how much?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The respondent and two others entered into a one year fixed term written tenancy agreement that provided that the tenancy would start on September 1, 2014 and end on August 31, 2014. The rent was \$1400 per month payable in advance on the first day of the month. The respondent's share of the rent was \$468 per month payable in advance on the first day of each month. The respondent vacated the rental unit at the end of October 2014. The other co-tenants continue to live in the rental unit and pay their share of the rent. The respondent continue to pay her share of the rent for November and December. However, she failed to pay the rent for the months of January 2015, February 2015 and March 2015 and the sum of \$1404 remains owing. The landlord was able to find another person to take over the tenant's portion of the rent starting April 1, 2015. The landlord testified that is a short term tenancy and that person is vacating the rental unit at the end of June.

The respondent testified that she ended the tenancy because her son was coming from overseas and the other co-tenants refused to permit him to live in the rental unit. Further, she was unable to pay the rent for the place she moved to and the rental unit which is the subject of this application.

Analysis - Monetary Order and Cost of Filing fee:

The Residential Tenancy Act provides that when a tenant enters into a fixed term tenancy agreement the tenant is obliged to pay the rent for the fixed term subject to the landlord's obligation to act reasonably to lessen her loss. I determined the landlord made reasonable effort to lessen her loss. I determined the tenant is bound by the provisions of the tenancy agreement and the Residential Tenancy Act.

As a result I determined the tenant has failed to pay the rent for the month(s) of January 2015, February 2015 and March 2015 and the sum of \$1404 remains owing. I granted the landlord a monetary order in the sum of \$1404 plus the sum of \$50 in respect of the filing fee for a total of \$1454.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: June 15, 2015

Residential Tenancy Branch

