



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

- a) A monetary order pursuant to Sections 46 and 67; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord provided evidence that she served the Application for Dispute Resolution by registered mail and the tenant's mother had signed for receipt. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

Has the landlord proved on the balance of probabilities that the tenant owes rent from January 2013 to March 2015 and how much is owed? Is the landlord entitled to recover the filing fee?

Background and Evidence:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced July 1, 1997, no security deposit was paid and rent was \$550 a month since 2013. The landlord explained that rent was originally \$750 a month, then reduced to \$650 and then \$550. She explained that the tenant kept saying he could not afford the rent as he had obligations due to a marriage breakdown; as he was a friend, they kept reducing his rent. He still had problems in paying but usually paid off the debt from a pension drawdown each year. In 2013, the landlord said her husband died and the tenant's rent arrears accumulated but she had problems dealing with it at the time. She finally gave him a Notice to End Tenancy in March 2015 and he vacated March 31, 2015 owing \$9,250.00 in arrears from January 2013 to the end of the tenancy.

In her rental ledger, she specified any partial payments made and the amount owed to March 31, 2015. The rent debt was \$11,000 and he paid a total of \$1750 of that from 2013 to 2015. The tenant did not submit any documents to dispute the amount owed and the landlord said he has never disputed this amount.

On the basis of the solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Monetary Order:

The onus of proof is on the landlord to prove that the tenant has not paid rent that he owes and the amount owed to her. I find the landlord has satisfied the onus. Her rental ledger and the tenancy agreement provided support her oral evidence and the tenant has not disputed the amount. I find the landlord entitled to recover \$9,250 in unpaid rent plus filing fees.

Conclusion:

I find the landlord is entitled to recover \$9,250 in unpaid rent and filing fees of \$100 paid for this application. A monetary order for \$9,350 is included and it may be enforced through the Small Claims Court of BC.

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: September 11, 2015

Residential Tenancy Branch

