



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for a Monetary Order for unpaid rent and to recover the filing fee for the Application.

Only the Landlord appeared at the hearing. She gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified she personally served the Tenant with the Notice of Hearing and her Application on June 14, 2015 while the Tenant was packing his possessions and moving from the rental unit. I accept her testimony and find the Tenant was duly served with notice of the hearing today.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

Is the Landlord entitled to monetary compensation from the Tenant?

Background and Evidence

The Landlord testified that this tenancy began January 15, 2015. She further advised that monthly rent was payable in the amount of \$775.00.

The Landlord testified that she issued a 10 Day Notice for Unpaid Rent or Utilities indicating the Tenant had failed to pay the rent owing for May 2015. This Notice was disputed by the Tenant; however, the Tenant failed to attend the hearing on May 27, 2015 and the Tenant's Application was dismissed. The Landlord requested and was granted an Order of Possession pursuant to section 55.

In the within hearing the Landlord sought a Monetary Order for unpaid rent and to recover the filing fee. She testified that the Tenant owed \$550.00 for rent for May 2015 and \$775.00 for June 2015 for a total of \$1,325.00 in unpaid rent. The Landlord also sought \$50.00 in compensation for the filing fee for a total of **\$1,375.00**.

Analysis

A party that makes an application for monetary compensation against another party has the burden to prove their claim. The burden of proof is based on the balance of probabilities.

Based on all of the above, the Landlord's undisputed testimony, and on a balance of probabilities, I find as follows.

I accept the Landlord's testimony and find that \$550.00 remains outstanding for May 2015 rent and \$775.00 for June 2015 rent. The Landlord is entitled to recover those funds and I award her a Monetary Order for **\$1,375.00** representing unpaid rent and the filing fee. this Order may be filed in the B.C. Provincial Court (Small Claims) Division and enforced as an Order of that Court.

The Landlord testified that the Tenant left a significant amount of belongings in the rental unit. She also stated that she continues to hold the Tenant's security deposit. The Landlord is at liberty to apply for further monetary Orders should she decide to do so.

Conclusion

The Landlord is entitled to a Monetary Order for **\$1,375.00** representing \$550.00 in unpaid rent for May 2015, \$775.00 in unpaid rent for June 2015 and the \$50.00 filing fee.

The Landlord is at liberty to apply for a further Monetary Order and for authority to retain the security deposit.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: November 16, 2015

Residential Tenancy Branch

