



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDC, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing sent via registered mail, the tenants did not participate in the conference call hearing.

At the hearing, the landlord's agent withdrew the claim for an order of possession as this matter had been dealt with in a previous hearing. The hearing proceeded to address only the monetary claim.

The landlord applied against 4 tenants, but only 3 tenants are named on the tenancy agreement. The landlord's agent was unable to provide testimony as to whether the fourth respondent had paid rent to the landlord or in some other ways been accepted as a tenant rather than a mere occupant. As I was unable to determine that the fourth applicant was a tenant with a contractual obligation to the landlord, I dismiss the claim as against her. The style of cause in this decision reflects that dismissal, naming only the 3 tenants listed on the tenancy agreement as respondents.

Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenancy began in November 2014 and the tenants were obligated to pay \$2,000.00 per month in rent. The tenants failed to pay \$170.00 of their rent in August 2015 and paid no rent whatsoever in the months of September, October and November. The tenants vacated the rental unit on or about November 18, 2015 pursuant to a writ of possession enforced by the landlord.

The landlord has reduced their claim to \$5,000.00 and also seeks to recover the \$50.00 filing fee paid to bring their application.

Analysis

I accept the landlord's undisputed evidence and I find that the tenants failed to pay \$6,170.00 in rent as outlined above. I find that the landlord is entitled to recover these arrears as well as the cost of their \$50.00 filing fee. As the landlord has abandoned \$1,170.00 of their claim, I award the landlord \$5,050.00 and grant them a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is awarded \$5,050.00.

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: December 04, 2015

Residential Tenancy Branch

