



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding JUST VIRANI CONSULTING INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee.

On February 11, 2016, the landlord had made application for dispute resolution by direct request. The Arbitrator granted the landlord's application. On February 19, 2016, the tenant applied for a review consideration. Since the direct request proceeding is an ex parte proceeding, the Arbitrator ordered a participatory hearing to clarify the identified issues. Accordingly a review hearing was scheduled for this date – April 22, 2016.

In the decision dated March 10, 2016, the reviewing Arbitrator states:

I enclose with this decision copies of a notice of hearing for the review hearing to be conducted by conference call on April 22, 2016 at 9:00 A.M. The tenant must serve the landlord with a copy of this decision and the enclosed notice of hearing either personally or by registered mail pursuant to section 89 (1) of the Residential Tenancy Act.

The landlord stated that he was not served with the review consideration decision or with the notice of today's hearing and only found out about the hearing when he visited the Residential Tenancy Branch Office. Despite having made application for a review hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

The landlord testified that the tenant moved out on or about March 02, 2016. Since the tenant has moved out, the landlord withdrew his application for an order of possession. Therefore, this hearing only dealt with the landlord's monetary claim.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The tenancy started on July 01, 2015. The monthly rent is \$1,900.00 due in advance on the first of each month. The rental unit is located on the upper floor of the landlord's home. The landlord occupies the lower level.

The landlord testified that the tenant failed to pay rent for February 2016 and on February 02, 2016, the landlord served the tenant with a notice to end tenancy for rent owed in the amount of \$1,900.00.

In her application for a review consideration, the tenant stated that she had not received the notice to end tenancy. The landlord has filed copies of the email correspondent between the parties in which the tenant acknowledges that she owes rent for February 2016. The landlord testified that the tenant moved out on or about March 02, 2016 and despite his efforts to find a new tenant, he was unable to find one for the remainder of March 2016. The landlord is applying for a monetary order for unpaid rent for February and March 2016 in the amount of \$3,800.00 plus \$100.00 for the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. I find that the landlord is entitled to \$3,800.00 for unpaid rent. Since the landlord has proven his case, I grant him the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for \$3,900.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order in the amount of **\$3,900.00**.

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: April 22, 2016

Residential Tenancy Branch