



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

**MNR, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested compensation for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

### Issue(s) to be Decided

Is the landlord entitled to compensation in the sum of \$4,040.00 for unpaid rent to August 31, 2015?

### Background and Evidence

The tenancy commenced in November 2014. The parties agreed that rent was \$1,000.00 per month due on the first day of each month. A tenancy agreement was not signed.

The landlord provided a detailed breakdown of the claim made. Cash payments totaling \$3,960.00 were made for rent over an eight month period. The calculation included reference to a credit in the sum equivalent to 1.5 months' rent for services provided.

The tenant agreed that to August 31, 2015 he owed \$4,040.00; less 1.5 month rent for plumbing and painting services provided to the landlord.

During the hearing the landlord agreed the \$1,500.00 should be applied to the sum of rent claimed as owed. The tenant confirmed that he owes the balance in the sum of \$2,540.00.

### Analysis

In the absence of evidence to the contrary, based on the agreement of the parties, I find pursuant to section 65(1)(d) of the Act that that to August 31, 2016 the tenant owed \$4,040.00 rent.

Based on the written statement of the landlord and the testimony of the parties I find the tenant is entitled to deduct \$1,500.00 from rent owed for plumbing and painting services provided.

Therefore, I find that the tenant has not paid rent in the amount of \$2,540.00 to August 31, 2015 and that the landlord is entitled to compensation in that sum.

As the landlord's application has merit I find, pursuant to section 72 of the Act that the landlord is entitled to recover the \$100.00 filing fee from the tenant for the cost of this Application for Dispute Resolution.

Based on these determinations I grant the landlord a monetary Order in the sum of \$2,640.00. In the event that the tenant does not comply with this Order, it may be served on the tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

The balance of the claim is dismissed.

### Conclusion

The landlord is entitled to compensation in the sum of \$2,540.00 for unpaid rent.

The balance of the claim is dismissed.

The landlord is entitled to filing fee costs.

This decision is final and binding 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: October 31, 2016

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Residential Tenancy Branch

