



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

On April 18, 2017, the Landlord submitted an Application for Dispute Resolution for an order of possession; for a monetary order for unpaid rent or utilities, and to recover the cost of the filing fee. The matter was set for a conference call hearing.

The Landlord attended the teleconference hearing; however, the Tenant did not. The Landlord provided affirmed testimony that The Tenant was served with the Notice of Hearing in person by registered mail on April 18, 2017. The Landlord provided a copy of the registered mail receipt number as proof of service. I find that the Tenant has been duly served with the Notice of Hearing in accordance with section 89 and 90 of the Act.

The Landlord was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions at the hearing.

Preliminary and Procedural Matters

The Parties previously attended a hearing on May 11, 2017, which resulted in a settlement by mutual agreement. The parties agreed that the tenancy will end on May 15, 2017. The Landlord was granted leave to apply for compensation for loss of rent. The Landlord was granted an order of possession effective May 15, 2017.

Since the Landlord has already received an order of possession, the Landlord's request for an order of possession is dismissed. The hearing proceeded on the Landlord's monetary claim for unpaid rent.

Issues to be Decided

- Is the Landlord entitled to a monetary order to recover unpaid rent?
- Is the Landlord entitled to recover the cost of the filing fee?

Background and Evidence

The Landlord testified that the Tenant is required to pay rent in the amount of \$1,200.00 on the first day of each month.

The Landlord testified that the Tenant did not pay all the rent due under the tenancy agreement.

The Landlord testified that the Tenant still owes rent for the following months:

- January 2017, in the amount of \$800.00
- April 2017, in the amount of \$1,200.00
- May 2017, in the amount of \$1,200.00

The Landlord provided copies of emails exchanged from each other regarding the rent arrears.

The Landlord seeks a monetary order for unpaid rent in the amount of \$3,200.00.

The Landlord testified that the Tenant moved out on May 13, 2017.

Analysis

Based on the evidence before me, the testimony of the Landlord, and on a balance of probabilities, I make the following findings:

I find that the Tenant was served with the Notice of Hearing and failed to attend the hearing.

I find that the Tenant failed to pay the rent due under the tenancy agreement for the months of January 2017, April 2017, and May 2017. The Tenant owes the Landlord \$3,200.00 for unpaid rent.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenant to repay the \$100.00 fee that the Landlords paid to make application for dispute resolution.

I find that the Landlords have established a total monetary claim of \$3,300.00 comprised of \$3,200.00 in unpaid rent for the above mentioned dates and the \$100.00 fee paid by the Landlords for this hearing.

I grant the Landlords a monetary order in the amount of \$3,300.00. This monetary order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The Tenant is cautioned that costs of such enforcement are recoverable from the Tenant.

Conclusion

The Tenant failed to pay the rent due under the tenancy agreement.

The Landlord is granted a monetary order for the unpaid rent and the cost of the filing fee in the amount of \$3,300.00.

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: May 19, 2017

Residential Tenancy Branch