



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant's Application made April 18, 2017: CNR; RR; FF

Landlord's Application made April 24, 2017: OPR; MNR; MNSD; FF

Introduction

This matter was scheduled to hear cross Applications for Dispute Resolution. The Tenant seeks to cancel a Notice to End Tenancy for Unpaid Rent; a rent reduction; and to recover the cost of the filing fee from the Landlord. The Landlord seeks an Order of Possession; a monetary award for unpaid rent; to apply the security deposit towards his monetary award; and to recover the cost of the filing fee from the Tenant.

These matters were scheduled to be heard by teleconference on May 26, 2017, at 9:30 a.m. The Landlord signed into the teleconference, which remained open for 20 minutes. The Tenant did not sign into the teleconference. Therefore, the Tenant's Application is dismissed.

The Landlord gave affirmed testimony at the Hearing. He testified that he mailed his Notice of Hearing documents, by registered mail, to the rental unit on May 5, 2017. He also testified that he mailed copies of his documentary evidence, by registered mail, to the rental unit on May 9, 2017. The Landlord provided the tracking numbers for both of the registered documents. I am satisfied that the Tenant was duly served with the documents and the Hearing continued with respect to the Landlord's Application.

Issue(s) to be Decided

Is the Landlord entitled to an Order of Possession and Monetary Order for Unpaid Rent? May the Landlord apply the security deposit towards his monetary award?

Background and Evidence

The Landlord gave the following testimony:

The Tenant did not pay rent when it was due on April 1, 2017. The Landlord served the Tenant with a Notice to End Tenancy for Unpaid Rent by leaving the document with an adult person who apparently resides at the rental unit; and by leaving a copy in the mailbox at the rental unit

on April 11, 2017. The Landlord provided a copy of a Proof of Service document, signed by a witness.

The Tenant has not paid any of the outstanding rent to the Landlord.

Since filing his Application for Dispute Resolution, the Landlord has sold the rental property. The tenancy and the security deposit have been transferred to the new owner.

Monthly rent was \$2,300.00 due on the first day of each month.

Analysis

Based on the Landlord's undisputed, affirmed testimony, I find that the Tenant did not pay rent to the Landlord in the amount of \$2,300.00 for the month of April, 2017.

I find that the Landlord is entitled to a monetary award for unpaid rent in the amount of \$2,300.00.

The Landlord's request for an Order of Possession and to apply the security deposit towards his monetary award is dismissed.

The Landlord has been partially successful in his Application and I find that he is entitled to recover the cost of the \$100.00 filing fee from the Tenant.

Conclusion

The Tenant's Application is dismissed.

The Landlord is hereby provided with a Monetary Order in the amount of \$2,400.00, representing unpaid rent for the month of April, 2017 and recovery of the filing fee. This Order must be served upon the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims Court) and enforced as an Order of that Court.

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 26, 2017

Residential Tenancy Branch

