



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing, redirected from a Direct Request process, dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent pursuant to section 55; and
- a monetary order for unpaid rent pursuant to section 67.

The tenant did not attend this hearing, which lasted approximately 15 minutes. The landlord was represented by its agent, MG (the "landlord") who was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the notice of participatory hearing dated June 7, 2017 was served on the tenant by registered mail on June 8, 2017. The landlord provided a Canada Post tracking number as evidence of service. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's application and notice of participatory hearing on June 13, 2017, five days after mailing.

At the outset of the hearing the landlord testified that the tenant has vacated the rental unit as of July 4, 2017 and an Order of Possession is no longer being sought. The portion of the landlord's application seeking an Order of Possession is withdrawn.

During the hearing, the landlord made an application requesting to amend the monetary amount of the claim sought. The landlord indicated that since the application was filed additional rent arrears became due and the tenant made some partial payment through deduction from the security deposit for this tenancy. Pursuant to section 64(3)(c) of the *Act* and Rule 4.2 of the Rules of Procedure, as I find that additional rent becoming due

is reasonably foreseeable, I amend the landlord's Application to increase the landlords' monetary claim from \$1,500.00 to \$2,667.50.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation for unpaid rent as claimed?

Background and Evidence

The landlord provided undisputed sworn testimony regarding the following facts. This tenancy began in December, 2016 and ended on July 4, 2017 when the tenant vacated the property. The monthly rent during the tenancy was \$1,575.00. A security deposit of \$787.50 was paid by the tenant at the start of the tenancy.

The landlord testified that the tenant failed to pay the rent for the months of May and June, 2017. The landlord said that they are not seeking rent payment for the 4 days in July the tenant overheld the rental unit.

The landlord submitted into written evidence a copy of a written agreement between the parties dated July 4, 2017. In the signed agreement the tenant agrees to allow the landlord to deduct from the security deposit for this tenancy the amount of \$305.00 for cleaning and repairs and the amount of \$3,150.00 for rent arrears.

The landlord testified that after the deduction from the security deposit the remaining amount outstanding for rental arrear is \$2,667.50.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend. I find that the tenant was obligated to pay the monthly rent in the amount of \$1,575.00. I accept the landlord's undisputed evidence that the total amount of arrears for this tenancy is \$2,667.50. I issue a monetary award for unpaid rent owing of \$2,667.50 as at August 1, 2017, the date of the hearing, pursuant to section 67 of the *Act*.

Conclusion

I issue a Monetary Order in favour of the landlord in the amount of \$2,667.50. The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial 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: August 1, 2017

Residential Tenancy Branch