



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR MNR MT CNC CNR

Introduction

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The landlord requested:

- an Order of Possession for non-payment of rent pursuant to section 48; and
- a monetary order for unpaid rent pursuant to section 60.

The tenant requested:

- more time to make an application to cancel the landlord’s 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 59;
- more time to make an application to cancel the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 59;
- cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 39; and
- cancellation of the landlord’s 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 40.

The tenant did not attend this hearing, although I waited until 11:10 a.m. in order to enable her to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord was given a full opportunity to be heard, to present evidence and to make submissions.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

As the tenant did not attend this hearing, their application is dismissed without leave to reapply.

The landlord testified that the tenant was personally served a copy of the dispute resolution hearing package ('Application') and evidence on June 19, 2017. In accordance with sections 81 and 82 of the *Act*, I find that the tenant was duly served with the Application and evidence.. The landlord confirmed receipt of the tenant's dispute resolution application ('Application'). In accordance with section 82 of the *Act*, I find that the landlord was duly served with the Application.

At the beginning of the hearing the landlord indicated that the tenant had moved out on June 16, 2017 and therefore was withdrawing her application for an Order of Possession. Accordingly the landlord's application for an Order of Possession is considered withdrawn.

Background and Evidence

The landlord testified regarding the following facts. This fixed tenancy began on March 18, 2017 with monthly pad rental set at \$400.00, payable on the first of each month. The tenant moved out on June 16, 2017.

The landlord testified that the tenant failed to pay rent in the amount \$200.00 and utilities in the amount of \$35 for the month of June 2017. The landlord is applying for a monetary order in the amount of \$235.00 for the unpaid rent and utilities.

The landlord did not submit any invoices or statements for the utilities, and testified that the amount owing was just an estimate.

Analysis

The landlord provided undisputed evidence that the tenants failed to pay rent and utilities for the month of June 2017.

In the absence of any statements or invoices, I find the landlord did not provide sufficient evidence to support the amount owing for utilities. Accordingly, I find the landlord is entitled to \$200.00 for the unpaid rent for June 2017. The remaining portion of the landlord's monetary claim is dismissed.

Conclusion

I dismiss the tenant's entire application without leave to reapply.

The landlord withdrew her application for an Order of Possession as the tenant moved out.

I issue a \$200.00 Monetary Order in favour of the landlord which allows the landlord to recover the unpaid rent for this tenancy.

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 *Manufactured Home Park Tenancy Act*.

Dated: August 15, 2017

Residential Tenancy Branch