



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent or utilities, and to recover the filing fee from the tenant.

Although served with the Application for Dispute Resolution and Notice of Hearing, in person, on January 5, 2019, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

The landlord appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Preliminary issue

At the outset of the hearing the landlord stated that the tenant vacated the property the first week of February, 2019 and they do not need an order of possession.

Issues to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The landlord testified that the tenant did not pay all rent owed for August, September and October 2018 and no rent for November, December 2018 and January 2019. The landlord seeks to recover unpaid rent in the total amount of \$3,000.00. Filed in evidence is a monetary worksheet.

The landlord stated that they do not want to offset the security deposit at this point, as the rental unit was left dirty and they may have a claim for loss of rent for February 2019.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

I accept the undisputed testimony of the landlord that the tenant failed to pay rent as outlined in the monetary order worksheet. I find the tenant breached section 26 of the Act, when they failed to pay rent, and this caused losses to the landlord.

I find that the landlord has established a total monetary claim of **\$3,100.00** comprised of unpaid rent up to and including January 2019, and the \$100.00 fee paid by the landlord for this application.

This 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 rent. The landlord is granted a monetary order in the above noted amount.

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: February 07, 2019

Residential Tenancy Branch