



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Preliminary matter

The Tenant joined the hearing at 9:44 a.m. approximately 14 minutes after the hearing began. The Tenant said she disputed the unpaid rent amount but had no evidence to support her testimony and then the Tenant left the hearing at approximately 9:55 a.m.

Introduction

This application was originally made under the Direct Request process which is an Ex-Parte process based on paper submissions only. As such the submissions must be complete and have no ambiguities. The Landlord's application indicated a difference in the addresses on the documents submitted; therefore it was unclear to the adjudicator what address was correct. Consequently the application was adjourned to a participatory hearing on today's date.

Introduction

This matter dealt with an application by the Landlord for an Order of Possession, a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlord said he served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on April 10, 2019. Based on the evidence of the Landlord's agent, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded with both parties attending.

Issues(s) to be Decided

1. Does the Landlord have grounds to end the tenancy?
2. Are there rent arrears and if so, how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?

Background and Evidence

This tenancy started on January 1, 2018 as a fixed term tenancy with an expiry date of July 1, 2018 and then continued on a month to month basis. Rent is \$800.00 per month and utilities are \$110.00 per month payable on the 1st day of each month. The Tenant paid a security deposit of \$400.00 and a pet deposit of \$400.00 on January 1, 2018.

The Landlord said that the Tenant did not pay \$1,650.00 of rent from September 2018 to April 2019 when it was due and as a result, on April 2, 2019 he personally delivered a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated April 2, 2019 to the Tenant. The Landlord said the Tenant paid an extra \$50.00 for May 2019 and has unpaid rent for June 2019 in the amount \$800.00. The Landlord said the Tenant has a total of \$2,400.00 of unpaid rent.

The Landlord further indicated that the Tenant and the Landlord have signed a mutual agreement to end the tenancy on July 1, 2019. The Landlord requested an order of possession for July 1, 2019.

When the Tenant dialed into the hearing the Arbitrator summarized the Landlord's testimony and requested the Tenant to respond to what the Landlord said. The Tenant did not dispute the signing of a Mutual Agreement to End Tenancy for July 1, 2019, but the Tenant questioned the amount of unpaid rent. The Tenant said she had e-transfers and receipts for her rent payments but she had not submitted them to the hearing as evidence to prove the amount of unpaid rent. As well the Tenant questioned the amount of \$110.00 she is paying for utilities as the Tenant said the upper tenant in the unit said they may be overpaying the utilities. The tenancy agreement between the Tenant and Landlord states the rent is \$800.00 and utility payment is \$110.00. After looking at the tenancy agreement the Tenant left the hearing.

The Landlord also sought to recover the \$100.00 filing fee for this proceeding.

Analysis

Based on the Mutual Agreement to End Tenancy to end the tenancy on July 1, 2019, signed by the Landlord and Tenant, I grant the Landlord an Order of Possession for July 1, 2019.

Further, I accept the Landlord's testimony and evidence with regards to unpaid rent and I find that the Landlord is entitled to recover unpaid rent for September 2018 to April 2019 in the amount of \$1,600.00 and for June 2019 in the amount of \$800.00 for a total amount of unpaid rent of \$2,400.00.

As the Landlord has been successful in this matter, he is also entitled to recover from the Tenant the \$100.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Rent arrears:	\$2,400.00	
Recover filing fee	\$ 100.00	
Subtotal:		\$2,500.00
Balance Owing		\$2,500.00

Conclusion

An Order of Possession effective July 1, 2019 and a Monetary Order in the amount of \$2,500.00 have been issued to the Landlord. A copy of the Orders must be served on the Tenant: the Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: June 04, 2019

Residential Tenancy Branch