Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution. At the hearing the Agent for the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, to present relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

The Landlord submitted documents to the Residential Tenancy Branch which the Landlord wishes to rely upon as evidence. The Agent for the Tenant acknowledged that the documents were received by the Tenant and they were accepted as evidence for these proceedings.

Issue(s) to be Decided

Is the Landlord is entitled to a monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 67 and 72 of the *Residential Tenancy Act (Act)?*

Background and Evidence

The Landlord and the Tenant agree that this tenancy began on January 15, 2012; that the tenancy agreement required the Tenant to vacate the rental unit by January 31, 2013; that the rental unit was vacated sometime after January 18, 2013; that the Tenant was required to pay monthly rent of $1,200.00 by the first day of each month; and that the Tenant only paid $600.00 n rent for January of 2013.

Analysis

On the basis of the undisputed evidence, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of $1,200.00 by the first day of each month and that he did not pay $600.00 of the rent he was obligated to pay by January 01, 2013. As he is required to pay rent when it is due,

pursuant to section 26(1) of the *Act*, I find that the Tenant must pay $600.00 in outstanding rent to the Landlord.

I note that the Tenant is required to pay all of the rent due by the first of each month even if the Tenant does not occupy the rental unit for the entire month and that the Tenant does not have the right to apply the security deposit to rent that is due, unless he has the written consent of the Landlord.

I find that the Landlord's application has merit and that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of $650.00, which is comprised of $600.00 in unpaid rent and $50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution, and I grant the Landlord a monetary Order for that amount. In the event the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province 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: February 13, 2013

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Residential Tenancy Branch