



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 was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

Both parties participated in the hearing with their submissions, document evidence and testimony during the hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

The landlord *withdrew their request for an Order of Possession* and amended their claim for unpaid rent to solely \$550.00. The tenant has since vacated.

Preliminary matters

The tenant argued that the female respondent to this matter is not a tenant. The tenant provided a signed tenancy agreement for the female respondent, indicating they have a residence elsewhere in the same community as of 2012; and, argued they only visited the male respondent in this matter. The landlord did not provide a tenancy agreement for either respondent. I find the female respondent in this matter is not a tenant and therefore their name has been removed from the style of cause.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on February 01, 2013. The tenant vacated. Rent in the amount of

\$550.00 was payable in advance on the first day of each month. The tenant did not pay rent in the month of March 2013 and the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant acknowledged the rent for March 2013 was not paid, but claims the landlord refused to accept the rent, but none the less vacated April 17, 2013. The landlord did not acknowledge they determined not to accept the rent for March, but they claim they are not claiming unpaid rent for April. The quantum of the landlord's monetary claim is for only the unpaid rent for March 2013 in the amount of \$550.00.

Analysis

Based on the testimony of both parties I find that the tenant owes the landlord unpaid rent for March 2013 in the amount of \$550.00. I find that since the rent for April was not paid and the landlord is not claiming that amount, it does not unfairly prejudice the tenant if the landlord is awarded the filing fee, therefore I grant the landlord this amount of \$50 filing fee, for a total entitlement of \$600.00.

Conclusion

I grant the landlord an Order under Section 67 of the Act for the amount of **\$600.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

This Decision is final and binding on both parties.

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: April 29, 2013