



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This is an application brought by the Landlord requesting a monetary order in the amount of \$375.00 for alleged outstanding rent.

The applicant testified that the respondent was served with notice of the hearing by personal service on November 25, 2014 however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not the applicant has established a monetary claim against the respondent, and if so in what amount.

### Background and Evidence

The applicant testified that:

- On August 22, 2014 the respondent signed a tenancy agreement to begin the tenancy on September 1, 2014, with a monthly rent of \$500.00.
- The respondent moved into the rental unit on September 1, 2014 however the respondent moved out of the rental unit on September 2, 2014 stating she decided she did not want to live in the rental unit.
- The tenant only paid \$125.00 of the September 2014 rent and as a result she filed a claim for the remaining \$375.00.
- The unit was not re-rented in the month of September 2014.
- The application for dispute resolution was filed on November 17, 2014 and the hearing date was set for today June 10, 2015.
- Well after the tenant had been served with notice of today's hearing, and after numerous requests for payment of rent, the tenant finally paid the outstanding \$375.00 on February 12, 2015.
- The landlord is requesting that, since the tenant did not pay the outstanding rent until after she had applied for dispute resolution, the respondent be ordered to bear the \$50.00 cost of the filing fee.

### Analysis

I have reviewed the evidence presented by the landlord and it is clear that the tenant did sign a month-to-month tenancy agreement with a tenancy start date of September 1, 2014.

I accept the landlord's testimony that the tenant vacated the rental unit on the second day of the tenancy having only paid \$125.00 of the September 2014 rent, which resulted in the loss the rental revenue to the landlord of \$375.00

Therefore at the time that the landlord applied for dispute resolution there was still \$375.00 in rent outstanding which was not paid until well after the tenant had been served with notice of the dispute resolution hearing.

I therefore Order that the tenant pay the landlord \$50.00 to cover the filing fee paid by the landlord for today's hearing.

Conclusion

I have issued a monetary order in the amount of \$50.00.

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 10, 2015

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Residential Tenancy Branch

