



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNR, FF

### Introduction

This hearing was convened by way of conference call in repose to the landlord's application for a Monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this application.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on April 18, 2012. Mail receipt numbers were provided in the landlord's documentary evidence. The tenant was deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlord appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

### Issue(s) to be Decided

Is the landlord entitled to a Monetary Order or unpaid rent?

### Background and Evidence

The landlord testifies that this tenancy started on February 01, 2011. This was a fixed term tenancy which was due to expire on April 30, 2012. Rent for this unit was \$1,475.00 and

was due on the 1<sup>st</sup> day of each month in advance. The tenancy ended on or about April 30, 2012. Two tenants rented the unit under this tenancy agreement however the landlord testifies only one tenant could be found by a collection agency in order to serve that tenant with the landlords application and Notice of Hearing.

The landlord testifies that the tenants failed to pay rent for February, March and April, 2012 and the landlord served the tenants with a 10 Day Notice to End Tenancy on April 01, 2012. This Notice was served to the tenant in person. The Notice informed the tenants that they must pay the outstanding rent or dispute the Notice within five days or the tenancy will end on April 10, 2012.

The landlord testifies that the tenants failed to pay rent and the landlord seeks to recover the sum of \$1,475.00 for both February and March, 2012 and \$490.00 for April, 2012.

The landlord seeks a Monetary Order to recover the total amount of unpaid rent of \$3,440.00 and the \$50.00 filing fee.

### Analysis

*Section 26 of the Act states: A tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.*

The landlord has testified that there were two tenants on the tenancy agreement but he has only been able to serve one of these tenants with Notice of this hearing. The Residential Tenancy Policy Guidelines #13 states, in part, that Co-tenants are jointly and severally liable for any debts or damages relating to the tenancy. This means that the landlord can recover the full amount of rent, utilities or any damages from all or any one of the tenants. The responsibility falls to the tenants to apportion among themselves the amount owing to the landlord.

I am satisfied with the undisputed evidence and testimony before me that the tenants failed to pay rent for February, March and April, 2012 and consequently I uphold the landlords claim for a Monetary Order to recover the sum of **\$3,440.00** pursuant to s.67 of the *Residential Tenancy Act*.

As the landlord has been successful with this claim I find the landlord is entitled to recover the **\$50.00** filing fee from the tenant pursuant to s. 72(1) of the *Act*. A Monetary Order has been issued to the landlord for the sum of **\$3,490.00**.

### Conclusion

I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$3,490.00**. The order must be served on the respondent and is enforceable through the Provincial Court 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: June 12, 2012.

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Residential Tenancy Branch