



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR and FF

### Introduction

This hearing was convened on an application by the landlords seeking a Monetary Order for unpaid rent and recovery of the filing fee for this proceeding.

As a matter of note, the named tenants are mother and son, but the landlords were unable to serve the mother who they believe may now be residing in a seniors' or care residence. Therefore, as this was a co-tenancy in which the tenants shared joint and several liability, any Monetary Order as may be granted as a result of this hearing may only name the son as respondent.

Despite having been served with the Notice of Hearing sent by registered on November 16, 2012 and received on November 22, 2012, the male tenant did not call in to the number provided to enable his participation in the telephone conference call hearing. Therefore, it proceeded in his absence.

### Issue(s) to be Decided

Are the landlord's entitled to a Monetary Order for the unpaid rent and filing fee?

### Background and Evidence

While there is no written rental agreement, the landlord gave sworn evidence that this tenancy began on or about August 1, 2008. Rent was \$800 per month and the tenants paid no security deposit.

During the hearing, the landlord gave evidence that the tenants had failed to pay rent for seven months of 2012 beginning with the rent due on January 1, 2012 to and including September 2012 with the exception of two months.

The tenants were served with a 10-day Notice to End Tenancy for unpaid rent on July 2, 2012 and eventually vacated the rental unit in October 2012.

The landlord gave explanation that he had not acted sooner to end the tenancy and recover his loss as the male tenant had been a friend and work colleague who had acknowledged the indebtedness and made repeated promises to pay off the rent arrears.

However, the tenant has not responded to the landlords' enquiries for the past few months.

### Analysis

Section 26 of the Act states that tenants must pay rent when it is due.

Section 67 of the *Act* empowers the director's delegate to determine the amount of a loss incurred by one party to a rental agreement due to the other's non-compliance with the legislation or rental agreement and to order payment of that loss.

In the present matter, I accept the evidence of the landlords that they received no rent for seven of the months during which the tenants occupied the rental unit in 2012. Therefore, I find that the tenants owe to the landlords \$5,600 (7 month x \$800) in unpaid rent.

As the application has succeeded on its merits, I find that the landlords are entitled to recover the \$100 filing fee for this proceeding from the tenants.

Conclusion

The landlords' copy of this decision is accompanied by a Monetary Order, enforceable through the Provincial Court of British Columbia for service on the tenant.

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

