



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking a monetary order for unpaid rent and for recovery of the filing fee.

The parties appeared, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

The evidence was discussed and no party raised any issue regarding service of the evidence.

Thereafter all parties gave affirmed testimony, were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and documentary evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation and to recover the filing fee?

Background and Evidence

The undisputed evidence shows that this tenancy began on July 1, 2007, and ended on June 30, 2013. The tenant submitted that she moved out of the rental unit on June 28.

The landlord's monetary claim is for unpaid rent in the amount of \$677.60, which includes \$267 for April, May and June, each, less a credit of \$123.40 applied towards April's rent.

The tenant, after a brief explanation from the landlord, agreed that this amount was owed.

Analysis

Under section 26 of the Act, a tenant is required to pay rent in accordance with the terms of the tenancy agreement and is not permitted to withhold rent without the legal right to do so.

In the case before me, I accept the landlord's undisputed evidence, with the tenant's confirmation, that the tenant failed to pay rent in accordance with the tenancy agreement in the amount of \$677.60, and that they are entitled to a monetary award in that amount.

I also award the landlord recovery of the filing fee of \$50.

I therefore find the landlord has established an entitlement to a monetary award of \$727.60, comprised of unpaid rent of \$677.60 and recovery of the filing fee of \$50.

Conclusion

The landlord's application for monetary compensation for \$727.60 is granted.

I therefore grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act in the amount of \$727.60, which I have enclosed with the landlord's Decision.

Should the tenant fail to pay the landlord this amount without delay after being served the order, the monetary order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an Order of that Court. The tenant is advised that costs of such enforcement may be recoverable from 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* and is being mailed to both the applicant and the respondent.

Dated: September 20, 2013

Residential Tenancy Branch

