Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPR, MNR, FF

Introduction

This matter dealt with an application by the Landlord for an Order of Possession and a Monetary claim for unpaid rent and the recovery of the filing fee for this proceeding.

The Landlord said she served the Tenant with the Application and Notice of Hearing (the "hearing package") by registered mail on July 11, 2014. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlord's hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant's absence.

The Landlord's agent said the Tenant abandoned the rental unit on or about July 18, 2014, therefore the Landlords have possession of the unit and are withdrawing the application for an Order of Possession.

Issues(s) to be Decided

1.   Are there rent arrears and if so, how much?
2. Is the Landlord entitled to compensation for unpaid rent and if so how much?

Background and Evidence

This tenancy started on August 1, 2004 as a month to month tenancy. Rent was $999.00 per month payable in advance of the 1st day of each month. The Tenant paid a security deposit of $395.00 on July 18, 2004.

The Landlord said that the Tenant did not pay $999.00 of rent for the month of June, 2014 when it was due and as a result, on June 3, 2014 she posted a 10 day Notice to End Tenancy for Unpaid Rent or Utilities dated June 3, 2014. As well the Landlord said the Tenant has unpaid rent for July, 2014 of $999.00.

The Landlord said they are making an application in the future for damages and to retain the security deposit so those issues are not included in this application.

Analysis

Section 26 says 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 Tenant did not have the right under the Act to withhold part or all of the rent for June , 2014 and July 2014, therefore I find in favour of the Landlord for the unpaid rent of $999.00 for each month of June and July, 2014. I award the Landlord $1,998.00 in unpaid rent.

As the Landlords have been successful in this matter, they are also entitled to recover from the Tenant the $50.00 filing fee for this proceeding. The Landlord will receive a monetary order for the balance owing as following:

Rent arrears: ($999.00 X 2)	$1,998.00	
Recover filing fee	$ 50.00	
Subtotal:		$2,048.00
Balance Owing		$2,048.00

Conclusion

A Monetary Order in the amount of $2,048.00 has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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: September 10, 2014

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Residential Tenancy Branch