



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, MND, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for an Order of Possession for unpaid rent or utilities; for an Order of Possession because the tenant has breached an agreement with the landlord; for a Monetary Order for unpaid rent; for a Monetary Order for damage to the unit, site or property; and to recover the filing fee from the tenants for the cost of this application.

Service of the hearing documents, by the landlord to the tenants, was done in accordance with section 89 of the *Act*; served by registered mail on July 08, 2015. Canada Post tracking numbers were provided by the landlord in verbal testimony. The tenants were 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 tenants, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

At the outset of the hearing the landlord advised that the tenants are no longer residing in the rental unit, and therefore, the landlord withdraws the application for an Order of Possession and for a Monetary Order for damage to the unit, site or property.

Issue(s) to be Decided

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

Background and Evidence

The landlord testified that this was a verbal agreement between the parties for the tenants to rent this unit for a monthly rent of \$1,400.00. The tenancy started in approximately May, 2014. Rent was due on the 1st day of each month.

The landlord testified that the tenants failed to pay rent for April, 2015 of \$1,400.00. A 10 Day Notice to End Tenancy for unpaid rent (the Notice) was served upon the tenants on May 01, 2015. The landlord testified that the tenants kept making promises to pay the rent; however, no rent was received for April, May or June, 2015. The landlord served the tenants with a second 10 Day Notice on June 26, 2015. The Notice indicated that there was outstanding rent of \$4,200.00. The tenants had five days to pay the rent or file an application to dispute the Notice or the tenancy would end on July 06, 2015.

The landlord testified that the tenants failed to pay the outstanding rent and vacated the rental unit on or about July 08, 2015. The landlord seeks a Monetary Order to recover the unpaid rent of \$4,200.00 and seeks to recover the \$50.00 filing fee from the tenants.

Analysis

The tenants did not appear at the hearing to dispute the landlord's claims, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenants, I have carefully considered the landlord's documentary evidence and sworn testimony before me. With regard to the landlord's claim for unpaid rent; I refer the parties to s. 26 of the *Act* which states:

26. 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.

I am satisfied from the evidence before me that the tenants have failed to pay rent for April, May and June, 2015 to a total amount of **\$4,200.00**. As the landlord has established a claim to recover the unpaid rent, I issue a Monetary Order to the landlord pursuant to s. 67 of the *Act*.

As the landlord's claim has merit I find the landlord is entitled to recover the filing fee of **\$50.00** from the tenants pursuant to s. 72(1) of the *Act*.

Conclusion

I hereby issue a Monetary Order in the landlord's favor in the amount of \$4,250.00 under the following terms:

Item	Amount
Unpaid Rent April	\$1,400.00
Unpaid Rent May	\$1,400.00
Unpaid Rent June	\$1,400.00
Recover Filing Fee	\$50.00
Total Monetary Order	\$4,250.00

The landlord is provided with this Order in the above terms and the tenants must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced 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: September 08, 2015

Residential Tenancy Branch

