



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC

Introduction

This is an application brought by the Landlord(s) requesting a monetary Order for outstanding rent and recovery of the filing fee paid for today's hearing.

The applicant's agent testified that the respondent was served with notice of the hearing by registered mail that was mailed on July 3, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing, and I therefore conducted the hearing in the respondent's absence.

All parties were affirmed.

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

This tenancy began on November 15, 2014 with a monthly rent of \$1650.00.

An Order of Possession was issued against the tenant on May 14, 2015, requiring the tenant to vacate the rental unit within two days of service of the Order on the tenant.

The landlord testified that the tenant failed to comply with the Order of Possession and eventually they were able to have the tenant removed by a bailiff on July 9, 2015.

The landlord further testified that the tenant paid no rent for the months of May 2015, June 2015, and July 2015.

Landlord is therefore requesting a monetary Order for outstanding rent totaling \$4950.00 and recovery of the \$50.00 filing fee.

Analysis

The landlord has produced the tenancy agreement signed by the tenant that shows that the tenant agreed to pay a monthly rent of \$1650.00 on the first of each month.

I accept the landlord's agent's testimony that the tenant failed to pay any rent for the months of May 2015, June 2015, and July 2015 and that the tenant was eventually removed by a bailiff on July 9, 2015.

It is my decision therefore that the tenant is liable for the rent for those three months totaling \$4950.00 and I therefore allow the landlords claim for that outstanding rent.

Although the landlord did not originally claim for July 2015 rent I have allow the landlord to amend the application to include the July 2015 rent, because the tenant could

reasonably have anticipated that rent for that month would also be outstanding since she did not vacate the rental unit until well into July 2015.

I also allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

I have issued a monetary Order for the respondent to pay \$5000.00 to the applicants.

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: November 10, 2015

Residential Tenancy Branch

