



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MND, FF

Introduction

This hearing was convened by way of conference call in response to the landlord's application for a Monetary Order for unpaid rent; 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.

At the outset of the hearing the landlord withdrew his application for a Monetary Order for damage to the unit, site or property.

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 22, 2015. Canada Post tracking numbers were provided by the landlord in documentary evidence. 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.

Issue(s) to be Decided

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

Background and Evidence

The landlord testified that this month to month tenancy started sometime in 2011 but was unsure of the exact date. Rent for this unit was \$600.00 per month due on the 1st of each month. The tenancy ended on June 01, 2015.

The landlord testified that the tenants did not always pay the full rent each month. At the start of 2015 the tenants owed rent of \$1,285.00. The landlord has reduced his claim by \$300.00 as he added in the unpaid pet deposit to the amount of outstanding rent in April, 2013. The tenants did pay rent for January and February, 2015 which still left an outstanding balance of \$1,285.00. No rent was received from the tenants for March, April or May, 2015. The total amount of outstanding rent was then \$3,085.00. The landlord referred to the rent ledger showing the payments made since 2013 and the outstanding balances each month. This document has been provided in documentary evidence

The landlord seeks a Monetary Order to recover the unpaid rent and the filing fee of \$100.00

Analysis

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 undisputed evidence before me that the tenants owe rent of **\$3,085.00** which was due on May 01, 2015. Consequently, I find the landlord's application to recover unpaid rent is allowed.

As the landlords' claim has merit I find the landlord is entitled to recover the filing fee of **\$10.00** from the tenants pursuant to s. 72(1) of the *Act*.

Conclusion

I HEREBY FIND in favor of the landlord's revised monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$3,185.00** pursuant to s. 67 and 72(1) of the *Act*. The Order must be served on the respondents. Should the respondents fail to comply with the Order, the Order may be enforced through the Provincial (Small Claims) Court of British Columbia 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: January 11, 2016

Residential Tenancy Branch

