



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding M'AKOLA HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act ("Act"). The landlord applied for an order of possession pursuant to a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice"), a monetary order for unpaid rent, and for recovery of the filing fee paid for this application.

The landlord's agent (hereafter "landlord") attended; the tenant did not attend the telephone conference call hearing.

The landlord gave evidence that they served the tenant with the Application for Dispute Resolution and Notice of Hearing by registered mail and leaving the documents with the tenant on or about December 4, 2015. The landlord submitted that on that date, she verified that the tenant still resided in the rental unit. The landlord supplied testimony of the tracking number of the registered mail.

Based upon the submissions of the landlord, I accept the tenant was served notice of this hearing in a manner complying with section 89(1) of the Act and the hearing proceeded in the tenant's absence.

The landlord was 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 written 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.

Preliminary matter-The landlord submitted that the tenant vacated the rental unit on an unknown date, confirmed January 5, 2016, and as a result, the landlord was no longer

seeking an order of possession for the rental unit. I have excluded this request from further consideration.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation and for recovery of the filing fee paid for this application?

Background and Evidence

The landlord stated that she was uncertain when the tenancy began, as the tenant lived in the rental unit prior to this landlord taking over the management/ownership of the property in 2012. The landlord submitted further that the monthly rent was \$2193.00, due on the first day of the month.

The landlord gave evidence that on October 6, 2015, the tenant was served with the Notice, by registered mail, listing unpaid rent of \$4386.00 as of October 1, 2015. The effective vacancy date listed on the Notice was October 21, 2014. The landlord submitted a copy of the Notice and a registered mail receipt and tracking history, showing the tenant signed for and collected the registered mail.

The Notice informed the tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explained that alternatively the tenant had five days to dispute the Notice by making an application for dispute resolution.

The landlord stated that the tenant did not make any further rent payments prior to vacating the rental unit and as of the end of December 2015, the tenant owed unpaid rent of \$8772.00, the amount of their monetary claim.

I have no evidence before me that the tenant applied to dispute the Notice.

Analysis

Based upon the landlord's undisputed evidence, I find the tenant was served the Notice, did not pay all the outstanding rent or file an application for dispute resolution in dispute of the Notice within five days of service. I further find that the landlord has proven that the tenant owed rent under the tenancy agreement and failed to pay, prior to vacating. I find the landlord submitted sufficient evidence to substantiate a total monetary claim of \$8872.00 for unpaid rent through December 2015 and the filing fee of \$100.00.

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the amount of their monetary award of \$8872.00, which is enclosed with the landlord's Decision.

Should the tenant fail to pay the landlord this amount without delay after being served the order, the 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 are recoverable from the tenant.

Conclusion

The landlord's application for monetary compensation has been granted.

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 14, 2016

Residential Tenancy Branch

