



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, FF

### Introduction

This hearing dealt with an application by the landlord for a monetary order and an order to recover the filing fee for this application. Despite having been served with the landlords' documentary evidence, application for dispute resolution and notice of hearing by registered mail on August 24, 2016, the tenants did not participate in the conference call hearing. The landlord gave affirmed evidence.

### Issue to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background, Evidence

The landlord's undisputed testimony is as follows. The tenancy began on September 30, 2011 and ended on March 4, 2015. The tenants were obligated to pay \$1250.000 per month in rent. The landlord stated that the tenants did not pay the rent for November 2014 – February 2015 inclusive, for a total of \$5000.00. The landlord stated the tenants did not pay the utilities that they were responsible for as per the tenancy agreement in the amount of \$921.56.

The landlord stated that they made numerous attempts to work with the tenants but the tenants were not able to catch up on any of the arrears.

### Analysis

Section 26 of the Act addresses the non-payment of rent as follows:

**26** (1) 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 landlord has satisfied me that the tenants did not pay the rent as required. The landlord has also satisfied me that the tenants have not paid the utility bills that they were responsible for.

The landlord provided extensive documentation to support their claim including; the tenancy agreement, receipts, invoices and testimony. Based on the above and in the absence of any disputing evidence from the tenants, the landlord has provided sufficient evidence to support their claim and is entitled to \$5921.56.

The landlord is also entitled to the recovery of the \$100.00 filing fee.

### Conclusion

The landlord has established a claim for \$6021.56. I grant the landlord an order under section 67 for the balance due of \$6021.56. This order may be filed in the Small Claims 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: March 03, 2016

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Residential Tenancy Branch

