



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC IMC Realty Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the landlord seeking a monetary order for unpaid rent or utilities and to recover the filing fee from the tenant for the cost of the application.

An agent for the landlord attended the hearing and gave affirmed testimony, however the line remained open while the phone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenant attended the call. The landlord's agent testified that the tenant was served with the Landlord Application for Dispute Resolution and notice of this hearing by registered mail on April 7, 2016 and has provided a copy of a Registered Domestic Customer Receipt bearing a stamp with that date from Canada Post and I am satisfied that the tenant has been served in accordance with the *Residential Tenancy Act*.

Issue(s) to be Decided

Has the landlord established a monetary claim as against the tenant for unpaid rent?

Background and Evidence

The landlord's agent testified that this month-to-month tenancy began on June 1, 2006, and the tenant vacated the rental unit on March 29, 2016. Rent in the amount of \$1,398.00 per month was payable in advance on the 1st day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenant in the amount of \$540.00 as well as a pet damage deposit in the amount of \$200.00.

The parties had attended an arbitration hearing, wherein the landlord was successful in obtaining an Order of Possession and a monetary order for unpaid rent for the months of January and February, 2016, and an order permitting the landlord to keep the security deposit and pet damage deposit. Copies of the Decision and both orders have

been provided. However, the landlord's agent testified that the tenant applied for a Review, and the Residential Tenancy Branch advised the landlord to return the deposits. The landlord returned both deposits and interest to the tenant, and the tenant paid the rent for January and February, 2016. The tenant did not pay any rent for March, 2016, and the landlord claims \$1,398.00 as well as recovery of the \$100.00 filing fee.

Analysis

I have reviewed the evidentiary material of the landlord, and in the absence of any evidence or testimony to the contrary, I find that the tenant remained in the rental unit beyond the effective date of the Order of Possession, and whether or not the tenant has applied for a Review, the tenant must continue to pay rent to the end of the tenancy. I accept the testimony of the landlord's agent, and I am satisfied that the tenant has failed to pay rent for the month of March, 2016 and the landlord is entitled to recover \$1,398.00.

Since the landlord has been successful with the application the landlord is also entitled to recovery of the \$100.00 filing fee.

Conclusion

For the reasons set out above, I hereby grant a monetary order in favour of the landlord as against the tenant pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$1,498.00.

This order is final and binding and may be enforced.

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: October 31, 2016

Residential Tenancy Branch