



# 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      OPL MNR FF

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, dated November 2, 2016 (the "Application"). The Landlord applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession;
- a monetary order for unpaid rent; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by J.S., who provided affirmed testimony. The Tenant did not attend the hearing.

On behalf of the Landlord, J.S. testified that the Landlord's Application package, including the Notice of a Dispute Resolution Hearing and the documents upon which the Landlord intended to rely, were served on the Tenant by registered mail on November 4, 2016. Although not a permissible method of service, they were also posted to the door of the Tenant's rental unit. In support, the Landlord submitted a copy of a Canada Post registered mail receipt dated November 4, 2016. Pursuant to sections 89 and 90 of the *Act*, documents served by registered mail are deemed to be received five days later. I find the Tenant is deemed to have been served with the Landlord's Application package on November 9, 2016.

The Landlord's agent was provided with the opportunity to present evidence orally and in written and documentary form, and to make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary and Procedural Matters

At the outset of the hearing, J.S. confirmed that the Landlord wished to withdraw the request for an order of possession as the Tenant vacated the rental unit on November 7, 2016. I accept the Landlord's withdrawal and have not considered this aspect of the Landlord's claim further in this Decision.

### Issues to be Decided

1. Is the Landlord entitled to a monetary order for unpaid rent?
2. Is the Landlord entitled to recover the filing fee?

### Background and Evidence

On behalf of the Landlord, J.S. confirmed that rent of \$481.00 per month is due on or before the first day of each month. However, rent has not been paid in full. Specifically, J.S. testified that rent in the amount of \$1,051.26 remains outstanding, which was calculated as follows:

<b>Rent</b>	<b>Outstanding</b>
December 2015:	\$391.26
September 2016:	\$179.00
October 2016:	\$481.00
<b>TOTAL:</b>	<b>\$1,051.26</b>

The Landlord also seeks to recover the filing fee of \$100.00 paid to make the Application.

### Analysis

Based on the Landlord's affirmed testimony and documentary evidence, and on a balance of probabilities, I find as follows:

Section 26 of the *Act* requires a tenant to pay rent when it is due. The undisputed testimony of J.S., the Landlord's agent, is that rent in the amount of \$1,051.26 remains outstanding. Accordingly, I find the Landlord is entitled to a monetary award of \$1,051.26 for unpaid rent.

Having been successful, I also find the Landlord is entitled to recover the \$100.00 filing fee paid to make the Application.

Accordingly, pursuant to section 67 of the *Act*, I grant the Landlord a monetary order in the amount of \$1,151.26, which consists of \$1,051.26 for unpaid rent and \$100.00 in satisfaction of the filing fee.

Conclusion

Pursuant to section 67 of the *Act*, the Landlord is granted a monetary order in the amount of \$1,151.26. This order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: December 20, 2016

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Residential Tenancy Branch