



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR   OPC   OPB   MNR   FF

### Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution, received at the Residential Tenancy Branch on October 20, 2016 (the "Application"). The Landlords applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- an order of possession for cause;
- an order of possession for breach of an agreement with the Landlord;
- a monetary order for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Landlords were represented at the hearing by the Landlord S.T., who provided affirmed testimony. The Tenants did not attend the hearing.

According to S.T., the Landlords' Application package, including the Notice of a Dispute Resolution Hearing and the documentary evidence upon which the Landlords intended to rely, was served on the Tenants through a process server on October 21, 2016. She confirmed the documents were received by the Tenants on that date.

The Landlord S.T. was provided 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

The Landlord S.T. testified that on November 30, 2016, the Tenants provided the Landlords with notice of their intention to vacate the rental unit on December 1, 2016. The Landlords subsequently attended the rental unit to discover most of the Tenants' belongings had been removed. The Landlords removed the remainder of the Tenants' belongings and asked the Tenants to collect them, which they did on or about December 7, 2016. According to the Landlord S.T., an order of possession is no longer required. Accordingly, I have not considered this aspect of the Landlords' claim further in this decision.

### Issues to be Decided

1. Are the Landlords entitled to a monetary order for unpaid rent or utilities?
2. Are the Landlords entitled to an order granting recovery of the filing fee?

### Background and Evidence

The Landlord S.T. provided affirmed oral testimony confirming the terms of the tenancy agreement between the parties. The tenancy began on September 1, 2016. The Landlord S.T. stated rent of \$1,200.00 per month was due on the first day of each month. The Tenant paid a security deposit of \$600.00 at the beginning of the tenancy.

According to the Landlord S.T. the Tenants did not pay rent in full for September 2016, leaving \$100.00 outstanding. In addition, the Tenants did not pay rent for October, November and December 2016. Currently, rent in the amount of \$3,700.00 is outstanding.

The Landlord S.T. asked to apply the security deposit of \$600.00 to any monetary order I make.

### Analysis

Section 26 of the *Act* confirms that a tenant must pay rent when it is due unless the tenant has a right under the *Act* to deduct all or a portion of rent. In this case, the Landlord S.T. provided unchallenged and affirmed oral testimony that the Tenants did not pay rent when due, and that \$3,700.00 remains outstanding. The Tenants did not attend the hearing although duly served with notice of the Application.

Accordingly, I find the Landlord is entitled to a monetary award of \$3,700.00 for unpaid rent. Having been successful, I also find the Landlord is entitled to recover the \$100.00 filing fee paid to make this Application. The Landlord S.T. requested that I apply the security deposit of \$600.00 to any monetary order I make, which I allow.

Pursuant to section 67 of the *Act*, I grant the Landlord a monetary order in the amount of \$3,200.00, which consists of \$3,700.00 for unpaid rent and \$100.00 as recovery of the filing fee, **LESS** the \$600.00 security deposit paid by the Tenant.

### Conclusion

I grant the Landlords a monetary order in the amount of \$3,200.00. 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 09, 2016

---

Residential Tenancy Branch