



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenants – MNDC

For the landlords – MNR, MND, MNDC, FF

Introduction

This hearing was convened by way of conference call in response to both parties' applications for Dispute Resolution. The tenants applied for a Monetary Order for money owed or compensation for damage or loss under the *Residential Tenancy Act (Act)*, regulations or tenancy agreement. The landlord applied for a Monetary Order for unpaid rent; for a Monetary Order for damage to the unit, site or property; for a Monetary Order for money owed or compensation for damage or loss under the *Act*, regulations or tenancy agreement; and to recover the filing fee from the tenants for the cost of this application.

At the outset of the hearing the landlords advised that they seek to withdraw their application for a Monetary Order for damage to the unit, site or property; for a Monetary Order for money owed or compensation for damage or loss under the *Act*, regulations or tenancy agreement.

The hearing went ahead as scheduled; the line remained open for 10 minutes; however, no one for the tenants dialed into the call. Based on the above I find that the tenants have failed to present the merits of their application and their application is dismissed without leave to reapply pursuant to Rule 7.3 of the Rules of Procedure.

Service of the hearing documents, by the landlords to the tenants, was done in accordance with section 89 of the *Act*; served by registered mail on November 25, 2016. Canada Post tracking numbers were provided by the landlords in documentary evidence. The tenants were deemed to be served the hearing documents on the fifth day after they were mailed as per section 90(a) of the *Act*.

The landlords appeared, gave sworn testimony, was provided the opportunity to present evidence orally, in writing, and in documentary form. All of the testimony and documentary evidence was carefully considered.

Issue(s) to be Decided

Are the landlords entitled to a Monetary Order for unpaid rent?

Background and Evidence

The landlords testified that this month to month tenancy started on July 15, 2015. Rent for this unit was \$820.00 per month due on the 1st of each month.

The tenants failed to pay rent for July, 2016 and a 10 Day Notice to End Tenancy was served upon the tenants on July 11, 2016 by registered mail. Canada Post tracking numbers were provided by the landlords at the hearing. The Notice had an effective date of July 26, 2016. The landlords testified that no rent was paid and the tenants vacated the rental unit on July 31, 2016.

The landlords seek a Monetary Order to recover the unpaid rent of \$820.00 and the filing fee of \$100.00.

Analysis

The tenants did not appear at the hearing to dispute the landlords' claims, despite having been given a Notice of the hearing; therefore, in the absence of any evidence from the tenants, I have carefully considered the landlords' undisputed evidence before me.

With regard to the landlords' claim for unpaid rent; I refer the parties to s. 26 of the *Act* which states:

26. 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.

From the evidence before me I am satisfied that the tenants failed to pay rent for July, 2016 of **\$820.00**. Consequently, the landlords are entitled to recover this amount from the tenants and will receive a Monetary Order for this amount pursuant to s.67 of the *Act*.

As the landlords' application has merit I find the landlords are entitled to recover their filing fee of **\$100.00** pursuant to s. 72(1) of the *Act*.

Conclusion

I HEREBY FIND in favor of the landlords' amended monetary claim. A copy of the landlords' decision will be accompanied by a Monetary Order for **\$920.00**. The Order must be served on the respondents. Should the respondents fail to comply with the Order, the Order may be enforced through the Provincial (Small Claims) Court of British Columbia as an Order of that Court.

The tenants' application is dismissed without leave to reapply.

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 05, 2017

Residential Tenancy Branch