



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a monetary order for unpaid rent and utilities, pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant, pursuant to section 72.

The tenant did not participate in the conference call hearing. Landlord VS (the "landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that on July 30, 2016 she forwarded the landlord's application for dispute resolution hearing package via registered mail to the tenant. The landlord provided a Canada Post receipt and tracking number as proof of service. Based on the testimony of the landlord and in accordance with sections 89 and 90 of the *Act*, I find that the tenant has been deemed served with the application and on August 4, 2016, the fifth day after its registered mailing.

Issue(s) to be Decided

Are the landlords entitled to a monetary order for unpaid rent and utilities?

Are the landlords authorized to recover the filing fee for this application from the tenant?

Background and Evidence

As per the submitted tenancy agreement and testimony of the landlord, the tenancy began on October 1, 2014 on a month-to-month basis. Rent in the amount of \$1,400.00 was payable on the first of each month. The tenant vacated the rental unit on April 15, 2016.

The landlords seek a monetary order of \$2,693.49. Specifically, the landlords seek \$2,400.00 in unpaid rent from January 2016 to April 15, 2016 and \$193.49 in unpaid utilities from March 17, 2016 to April 15, 2016. The landlord claimed that the tenant

paid a total of \$2,500.00 in rent for the above three and a half months and nothing in utilities since March 2016.

The landlords are also seeking to recover the \$100.00 filing fee for this application from the tenant.

Analysis

Section 26 of the *Act* requires the tenant to pay rent on the date indicated in the tenancy agreement, which is the first day of each month. Section 7(1) of the *Act* establishes that a tenant who does not comply with the *Act*, *Residential Tenancy Regulation* (the "*Regulation*") or tenancy agreement must compensate the landlord for damage or loss that results from that failure to comply.

I find that the landlords proved that the current rent for this unit is \$1,400.00. I find the landlords provided undisputed evidence that the tenant failed to pay full rent from January 2016 to April 2016. Therefore, I find that the landlords are entitled to \$2,400.00 in rent.

Upon review of the submitted tenancy agreement and addendum it becomes evident the tenant is responsible for utilities. Based on the undisputed testimony of the landlord I find the tenant failed to pay utilities from March 17, 2016 to April 15, 2016. Accordingly, I find the landlords are entitled to \$193.49 in utilities.

As the landlords were successful in this application, I find that the landlords are entitled to recover the \$100.00 filing fee paid for the application, for a total award of \$2,693.49.

Conclusion

I issue a monetary order in the landlords favour in the amount of \$2,693.49 against the tenant.

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 30, 2017

Residential Tenancy Branch

