



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 OPR MNR FF

Introduction

This hearing was convened as a result of the landlord's application for dispute resolution under the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, and to recover the cost of the filing fee.

An agent for the landlord (the "agent") attended the teleconference hearing and gave affirmed testimony. During the hearing the agent was given the opportunity to provide her evidence orally. A summary of the evidence is provided below and includes only that which is relevant to the hearing.

As the tenant did not attend the hearing, service of the Notice of a Dispute Resolution Hearing (the "Notice of Hearing"), Application for Dispute Resolution (the "Application") and documentary evidence were considered. The agent testified that the Notice of Hearing, Application and documentary evidence were served on the tenant by registered mail on October 14, 2016. A tracking number referenced on the cover page of this decision was submitted in evidence. A copy of the registered mail receipt was also submitted in evidence.

According to the online registered mail tracking website the tenant signed for and accepted the registered mail package on October 31, 2016. The agent stated that the package contained the Application, Notice of Hearing and the documentary evidence. Based on the above, I find that the tenant was served on October 31, 2016 with the Notice of Hearing, Application and documentary evidence, which is the date the tenant signed for and accepted the registered mail package.

Preliminary and Procedural Matter

At the outset of the hearing, the agent requested to withdraw the landlord's request for an order of possession as the tenant had vacated the rental unit on October 7, 2016. As a result, I have not considered the landlord's original request for an order of possession.

Issue to be Decided

- Is the landlord entitled to a monetary order under the *Act*, and if so, in what amount?

Background and Evidence

A copy of the tenancy agreement was submitted in evidence. A month to month tenancy began on October 17, 2011 and ended on October 7, 2016 when the tenant did not dispute the 10 Day Notice to End Tenancy for Unpaid Rent and vacated the rental unit. The tenant's monthly rent as of 2016 was \$540.00 per month. The tenant was not required to pay a security deposit or pet damage deposit during the tenancy.

The landlord's monetary claim of \$1,956.62 is comprised as follows:

ITEM DESCRIPTION	AMOUNT CLAIMED
1. Portion owing of July 2016 rent	\$336.62
2. Unpaid August 2016 rent	\$540.00
3. Unpaid September 2016 rent	\$540.00
4. Unpaid October 2016 rent	\$540.00
TOTAL	\$1,956.62

The agent testified regarding the amounts described in the table above. The landlord is also seeking the recovery of the cost of the filing fee.

Analysis

Based on the undisputed documentary evidence and undisputed testimony of the agent provided during the hearing, and on the balance of probabilities, I find the following.

As the tenant was served with the Notice of Hearing, Application and documentary evidence and did not attend the hearing, I consider this matter to be unopposed by the

tenant. As a result, I find the landlord's application is fully successful in the amount of **\$2,056.02** which includes the recovery of the cost of the filing fee in the amount of **\$100.00** as the landlord's application is successful. I have considered the undisputed testimony of the agent and that the application was unopposed by the tenant. I find the tenant has breached section 26 of the *Act* which requires that rent be paid on the date that it is due in accordance with the tenancy agreement.

I grant the landlord a monetary order pursuant to section 67 of the *Act*, for the amount owing by the tenant to the landlord in the amount of **\$2,056.62**.

Conclusion

The landlord's application is fully successful.

The landlord has been granted a monetary order pursuant to section 67 of the *Act*, for the amount owing by the tenant to the landlord in the amount of \$2,056.62. The landlord must serve the tenant with the monetary order and may enforce the monetary order in the Provincial Court (Small Claims Division).

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: April 20, 2017

Residential Tenancy Branch