



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR; FF

Introduction

This is the Landlords' Application for Dispute Resolution seeking a monetary award for unpaid rent and to recover the cost of the filing fee from the Tenant.

The Landlord CC gave affirmed testimony at the Hearing. She testified that she mailed the Notice of Hearing documents to the Tenant at her new address, which is also her parents' address, on October 23, 2016, by registered mail. The Landlords provided a copy of the registered mail receipt and tracking number in evidence. The registered documents were returned to the Landlords, marked "refused".

Nevertheless, I find that the Tenant was duly served with the Notice of Hearing documents in accordance with the provisions of Section 89 of the Act. The Hearing took 20 minutes and continued in the Tenant's absence.

Issue(s) to be Decided

Are the Landlords entitled to a monetary award for unpaid rent for the months of September and October, 2016?

Background and Evidence

This tenancy began in June, 2016. There were two Tenants; however, the other Tenant paid ½ of the rent for the months of September and October, 2016, and therefore the Landlords have chosen to pursue this Tenant, MR only.

The Tenant MR moved out of the rental unit in mid to late September, 2016, without giving due notice. The other Tenant moved out of the rental unit on October 30, 2016. Monthly rent was \$1,600.00, due on the 1st day of each month. The security deposit was settled with the other Tenant when she vacated the rental unit.

CC stated that the Tenant MR "did not pay her share of the rent" for September and October, 2016, and that MR owes the Landlords \$1,600.00 in unpaid rent (\$800.00 for

September and \$800.00 for October, 2016). The Landlords provided a copy of a letter from MH in evidence, which CC testified was given to the Landlords on September 9, 2016. This letter acknowledges that MR is in arrears of rent and states that she will pay \$1,600.00 to the Landlords “on the 30th”).

Analysis

Based on the Landlord CC’s undisputed, affirmed testimony, I make the following findings:

1. The Tenants were co-tenants and therefore the Landlords may pursue one or both of the Tenants for this indebtedness.
2. The tenancy ended on October 30, 2016, and the Tenants were in rent arrears of \$1,600.00 at the end of the tenancy.
3. The Landlords are entitled to a monetary award in the amount of \$1,600.00 against the Tenant MR.
4. The Landlords have been successful in their Application and are entitled to recover the cost of the \$100.00 filing fee from the Tenant MR.

Conclusion

The Landlords are hereby provided with a Monetary Order in the amount of \$1,700.00 for service upon the Tenant MR. This represents a monetary award for unpaid rent and recovery of the filing fee. This Order may be filed in the Provincial Court of British Columbia (Small Claims Court) and enforced as an Order of that Court.

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: April 27, 2017

Residential Tenancy Branch