



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, MNDC, CC

### Introduction

This hearing was convened in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. A Monetary Order for compensation - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. It is noted that the Landlord’s Agent had problems calling into the hearing but was eventually successful.

I accept the Landlord’s evidence that each Tenant was served with the application for dispute resolution and notice of hearing (the “Materials”) by registered mail in accordance with Section 89 of the Act. Section 90 of the Act provides that a document served in accordance with section 89 of the Act is deemed to be received if given or served by mail, on the 5th day after it is mailed. Given the evidence of registered mail I find that the Tenants are deemed to have received the Materials.

The Landlords was given full opportunity under oath to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to unpaid rent?

Is the Landlord entitled to recovery of the filing fee?

### Background and Evidence

The tenancy started on December 1, 2014. Rent of \$2,500.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$1,250.00 as a security deposit. The Tenant has accrued rental arrears and owes unpaid rent to and including May 2017 in the amount of \$11,250.00. The Landlord withdraws the claim for unpaid utilities and claims \$11,250.00 in unpaid rent.

### Analysis

Section 26 of the Act provides that a tenant must pay the rent when and as provided under the tenancy agreement whether or not the landlord complies with this Act, the regulations or the tenancy agreement. Based on the undisputed evidence of the Landlord I find that the Landlord has substantiated that the Tenants have failed to pay the rent as required under the tenancy agreement and that the Landlord is entitled to unpaid rents of **\$11,350.00**. As the Landlord has been successful with its application I find that the Landlord is also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$11,450.00**. As the Landlord has not sought to end the tenancy I decline to set the security deposit off the amounts owed by the Tenants.

### Conclusion

I grant the Tenant an order under Section 67 of the Act for the amount of **\$11,450.00**. If necessary, this order may be filed in the 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: May 02, 2017

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Residential Tenancy Branch