



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, FF

### 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; and
2. An Order to recover the filing fee for this application - Section 72.

The Tenant did not attend the hearing. I accept the Landlord’s evidence that the 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. The Landlord provided postal tracking evidence and states that this evidence shows the Tenant collected the materials with a signature. The Landlord was given full opportunity 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 March 15, 2016 and ended on or about November 5, 2016. The Tenant never provided its forwarding address in writing to the Landlord. During the tenancy rent of \$925.00 was payable on the first day of each month. At the outset of the tenancy the Landlord collected \$462.50 as a security deposit. While in a previous hearing on October 28, 2016 the Tenant orally provided its address to the Arbitrator and the Landlord. The Decision from this hearing, also dated October 28, 2016, ordered the

Landlord to deduct its \$100.00 filing fee for that hearing's application from the security deposit. In error, the Landlord included this filing fee as a claim for these proceedings. The Tenant failed to pay a total of \$3,606.67 in rent and the Landlord claims this amount.

### 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 unpaid rent I find that the Landlord has substantiated an entitlement to **\$3,506.67**. As the Landlord's application has been successful I find that the Landlord is also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$3,606.67**. Deducting the \$100.00 of the previous award from the security deposit of \$462.50 leaves **\$362.50** remaining in the security deposit. Deducting this remaining security deposit from the entitlement leaves **\$3,244.17** owed by the tenant to the Landlord.

### Conclusion

I grant the Tenant an order under Section 67 of the Act for **\$3,244.17**. 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: August 17, 2017

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Residential Tenancy Branch