



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 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 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 their evidence orally. A summary of the evidence is provided below and includes only that which is relevant to the hearing.

As the tenants 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 tenants by registered mail on April 21, 2017 which one package addressed to each of the tenants for a total of two registered mail packages. The registered mail tracking numbers were supplied in evidence with the tracking information from the Canada Post website. Both tracking numbers have been included on the cover page of this decision for ease of reference. The agents testified that both registered mail packages were signed for and accepted on April 24, 2017 which is supported by the tracking information submitted in evidence. Based on the above, I find both tenants were served as of April 24, 2017 which was the date the two registered mail packages were signed for and accepted. As the tenants did not attend the hearing, the hearing continued in the tenants' absence.

Preliminary and Procedural Matter

At the outset of the hearing, the agent requested to reduce the landlord's monetary claim as the tenants made \$425.00 in payments towards their arrears since the landlord filed their claim for \$973.33 in compensation. I find that a reduction of the landlord's monetary claim does not prejudice the tenants and as a result, I amend the landlord's

claim from \$973.33 to the reduced amount of \$548.33 pursuant to section 64(3) of the *Act*.

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 December 2, 2011 and ended on July 31, 2016 when the tenant vacated the rental unit. Monthly rent was \$610.00 per month and was due on the first day of each month.

The landlord's reduced monetary claim is as follows:

ITEM DESCRIPTION	AMOUNT CLAIMED
1. Rent arrears from June and July of 2016	\$548.33
TOTAL	\$548.33

The agent testified that while the tenants failed to pay \$363.33 of June 2016 rent and \$610.00 for July 2016 which totals \$973.33, the tenants did make the following payments prior to the hearing as noted earlier above:

PAYMENT DATE	PAYMENT AMOUNT
June 13, 2017	\$50.00
June 20, 2017	\$100.00
June 27, 2017	\$50.00
July 11, 2017	\$100.00
August 8, 2017	\$50.00
August 15, 2017	\$75.00
TOTAL	\$425.00

As a result, the agent affirmed that as of the date of the hearing, the tenants continue to owe the landlord \$548.33 in unpaid rent.

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 tenants were 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 tenants. As a result, I find the landlord's application is fully successful in the amount of **\$548.33**. Furthermore, I find that the tenants breached section 26 of the *Act* which requires that tenants pay rent on the date that it is due and I accept the agent's undisputed testimony that the tenants continued to owe \$548.33 in unpaid rent as of the date of the hearing.

As the landlord's application was successful, I grant the landlord the recovery of the cost of the filing fee in the amount of **\$100.00** pursuant to section 72 of the *Act*.

As a result of the above, I grant the landlord a monetary order pursuant to section 67 of the *Act*, for the total amount owing by the tenants to the landlord in the amount of **\$648.33** comprised of \$548.33 in unpaid rent plus the recovery of the cost of the filing fee in the amount of \$100.00.

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 tenants to the landlord in the amount of \$648.33. The landlord must serve the tenants 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: September 14, 2017

Residential Tenancy Branch