



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

OPR MNR FF

### Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, received at the Residential Tenancy Branch on July 13, 2017 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Landlord attended the hearing and was accompanied by M.R., an agent, who provided affirmed testimony on the Landlord's behalf. The Tenant did not attend the hearing.

M.R. testified the Landlord served the Application package on the Tenant, in person, on July 13, 2017. I find the Tenant received the Application package on that date.

The Landlord and M.R. presented evidence orally and in written and documentary form, and made submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary and Procedural Matters

During the hearing, M.R. testified the Tenant vacated the rental unit in mid-July 2017 and that the Landlord no longer requires an order of possession. This aspect of the Application has not been considered further in this Decision.

### Issues to be Decided

1. Is the Landlord entitled to a monetary order for unpaid rent or utilities?
2. Is the Landlord entitled to an order granting recovery of the filing fee?

### Background and Evidence

On behalf of the Landlord, M.R. testified the tenancy began roughly one year ago and ended in mid-July 2017 when the Tenant vacated the rental unit. During the tenancy, rent in the amount of \$850.00 per month was due on the first day of each month. The Tenant paid a security deposit of \$425.00, which the Landlord holds.

The Landlord testified the Tenant did not pay rent in the amount of \$850.00 when due on July 1, 2017. Accordingly, he issued a 10 Day Notice to End Tenancy for Cause, dated July 2, 2017

(the "10 Day Notice"). The 10 Day Notice was served on the Tenant by posting a copy to the door of the Tenant's rental unit on July 2, 2017. A copy of the 10 Day Notice was submitted with the Landlord's documentary evidence. The Tenant vacated the rental unit in mid-July 2017, without paying rent.

The Tenant did not attend the hearing to dispute the Landlord's evidence.

### Analysis

Based on the unchallenged and affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

Section 26 of the *Act* confirms that a tenant must pay rent when due under a tenancy agreement. In this case, I find that rent was not paid when due on July 1, 2017, and that rent in the amount of \$850.00 is outstanding. Accordingly, I find the Landlord is entitled to a monetary award in the amount of \$850.00 for unpaid rent. Having been successful, the Landlord is also entitled to recover the filing fee paid to make the Application.

Pursuant to section 67 of the *Act*, I grant the Landlord a monetary order in the amount of \$525.00, which is comprised of \$850.00 in unpaid rent plus \$100.00 in recovery of the filing fee, less the security deposit of \$425.00.

### Conclusion

The Landlord is granted a monetary order in the amount of \$525.00. This order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: September 22, 2017

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Residential Tenancy Branch