



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 FF MNR OPR

Introduction

I was designated to hear this matter under section 58 of the *Residential Tenancy Act* (the *Act*). This hearing dealt with the landlord's application for:

- an Order of Possession pursuant to section 55 of the *Act* for unpaid rent or utilities;
- a Monetary Order pursuant to section 67 of the *Act* for unpaid rent and utilities; and
- a return of the filing fee pursuant to section 72 of the *Act*.

While the landlord attended the hearing by way of a conference call, the tenant did not. The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord gave sworn testimony that a 1 Month Notice for Cause ("1 Month Notice") was served by way of Canada Post Registered Mail on May 3, 2017. I find that in accordance with sections 88 and 90 of the *Act* the 1 Month Notice was deemed served to the tenant on May 8, 2017.

The landlord testified that the tenant was served with the Landlord's Application for Dispute Resolution hearing package ("dispute resolution hearing package"), evidentiary package and monetary order by Registered Mail on August 9, 2017. Pursuant to sections 88, 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's dispute resolution hearing package and monetary order on August 14, 2017. The landlord stated that she confirmed a Canada Post pick up by the tenant on August 11, 2017.

Following opening remarks, the landlord explained that the tenant had vacated the rental unit sometime in August 2017. No notice was given to the landlord, and the keys to the rental unit were not returned. Furthermore, the landlord explained that some

outstanding rent had been paid and she wished to amend her application for dispute to reflect a sum of \$772.00 for outstanding rent and withdrawing the application for an Order of Possession. Pursuant to section 64(3)(c) of the *Act* the landlord's application is amended.

Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent?

Can the landlord recover the filing fee?

Background and Evidence

The landlord gave evidence that the tenancy in question began on December 2, 2011. Rent was \$633.00 per month and no security deposit was collected at the outset of the tenancy.

The landlord said that the tenant had vacated the rental unit without notice sometime during the month of August 2017. The tenant had some outstanding rent remaining, for which the landlord was applying for a monetary order. Specifically, the landlord sought to recover \$139.00 in outstanding rent for the month of July 2017 and the entire month's rent for August 2017.

Analysis

I accept the uncontested evidence offered by the landlord that the tenant had only paid partial rent for July 2017, and that rent has gone unpaid in its entirety for August 2017.

Section 7(1) of the *Act* stipulates that, a *tenant* [who] *does not comply with this Act, the regulations or their tenancy agreement must compensate the landlord for damage or loss that results*. I find that rent remains outstanding at the conclusion of this tenancy and the landlord is entitled to a monetary award in reflection of this.

As the landlord was successful in her application, she may recover the \$100.00 filing fee from the tenant.

Conclusion

I am making a Monetary Order of \$872.00 in favour of the landlord as follows:

Item	Amount
Partial rent for July 2017	\$139.00
Unpaid rent for August 2017	633.00
Return of the Filing Fee	100.00
Total =	\$872.00

The landlord is provided with formal Orders in the above terms. Should the tenant fail to comply with these Orders, these Orders may be filed and enforced as Orders of the Provincial Court of British Columbia.

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: October 4, 2017

Residential Tenancy Branch