



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 was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. To recover the filing fee for this application

Only the landlord and their representative attended the hearing. The landlord testified they were not able to serve Tenant SFM with the notice of hearing package. I accept the landlord's evidence that despite tenant AMG having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided the tracking number for the registered mail sent to tenant AMG's forwarding address, which went unclaimed and was returned to the landlord. I am satisfied that tenant AMG is deemed by Section 90 of the Act to have been served as prescribed by the Act.

The landlord was given full opportunity to be heard, to present evidence and to make submissions. The landlord advised the tenants have both vacated. Therefore, the landlord solely seeks a Monetary Order for unpaid rent.

Issue(s) to be Decided

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

This tenancy began on or about November 01, 2016. Rent in the amount of \$900.00 was payable in advance on the first day of each month. At the outset of the tenancy the

landlord did not collect a security deposit from the tenant and does not retain same. The landlord testified the tenants failed to pay all rent in the month of March 2017 satisfying all but \$640.00. The landlord testified the tenants subsequently did not pay rent in the sum of \$2700.00 for the months of April, May and June 2017, and on June 01, 2017 the landlord

served the tenant with a notice to end tenancy for non-payment of rent. The tenants did not pay the arrears of unpaid rent totalling \$3340.00 and both vacated by mid-June 2017.

Analysis

Based on the landlord's evidence I find that the tenants did not pay all of March 2017 rent and further failed to pay rent for the subsequent 3 months before vacating.

I find the landlord has established a monetary claim for unpaid rent in the amount of \$3340.00. The landlord is further entitled to recover their filing fee, resulting in a sum award to the landlord in the amount of **\$3440.00**.

Given that both tenants are joint and severally liable for the rent, but the landlord legally notified solely one of the tenants of their monetary claim, the landlord is given a monetary order solely in respect to tenant AMG.

Conclusion

I grant the landlord an Order under Section 67 of the Act for the amount of **\$3440.00**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

The landlord's application in relevant part is granted.

This Decision is final and binding.

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 03, 2017

Residential Tenancy Branch