



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) filed by the Landlord under the *Residential Tenancy Act* (the “Act”), for a Monetary Order for unpaid rent and recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by the Landlord and the agent for the Landlord (the “Agent”), both of whom provided affirmed testimony. The Tenant did not attend.

The Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”) state that the Respondent must be served with a copy of the Application and Notice of Hearing. As the Tenant did not attend the hearing, I inquired with the Agent and Landlord regarding service of the documents as explained below.

The Agent testified that they personally served the Application and the Notice of Hearing on the Tenant on or about June 25, 2017. Based on this testimony and in the absence of evidence to the contrary, I find that the Tenant was personally served with the Application and the Notice of Hearing on June 25, 2017. The Agent also testified that they personally served 19 pages of evidence on the Tenant two weeks prior to the hearing in accordance with the Rules of Procedure. .

Issue(s) to be Decided

Is the Landlord entitled to a Monetary Order for unpaid rent and recovery of the filing fee pursuant to sections 67 and 72 of the *Act*?

Background and Evidence

The tenancy agreement in the documentary evidence before me indicates that the tenancy, which commenced on June 15, 2016, is a month to month tenancy and that rent in the amount of \$850.00 is due on the first day of each month. The Landlord and

the Agent testified that these are the correct terms of the tenancy agreement. They also testified that a security deposit in the amount of \$425.00 was supposed to be paid by the Tenant; however, the Tenant never paid this amount.

The Agent testified that the Tenant moved out of the rental unit on September 28, 2017, without giving proper notice and stated that as of the date of the hearing, the Tenant owes \$1,700.00 in rent. In support of his testimony the Agent submitted bank and e-transfer records, and copies of text messages with the Tenant regarding the non-payment of rent.

Analysis

I accept the undisputed testimony of the Landlord and Agent that as of the date the tenant vacated the rental unit, rent in the amount of \$1,700.00 remained unpaid. Pursuant to section 72 of the Act, I also find that the Landlord is entitled to the recovery of the \$100.00 filing fee.

Based on the foregoing, I find that the Landlord is entitled to a Monetary Order in the amount of \$1,800.00 for unpaid rent and recovery of the filing fee.

Conclusion

Pursuant to section 67 of the *Act*, I grant the Landlord a Monetary Order in the amount of \$1,800.00. The Landlord is provided with this Order in the above terms and the Tenant must be served with **this Order** as soon as possible. Should the Tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial 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: December 8, 2017

Residential Tenancy Branch