



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, FF

Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent and to recover the filing fee for this proceeding.

The Landlord said the Tenant was served with the Application and Notice of Hearing (the “hearing package”) by registered mail on August 9, 2017. Based on the evidence of the Landlord, I find that the Tenant was served with the Landlords’ hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenant’s absence.

Issues(s) to be Decided

1. Are there rent arrears and if so, how much?
2. Is the Landlord entitled to compensation for unpaid rent and if so how much?

Background and Evidence

This tenancy started on October 20, 2015 as a fixed term tenancy then renewed for another fixed term with an expiry date of September 30, 2016. The Tenant’s rent was \$511.00 per month payable in advance of the 1st day of each month. The Tenant did not have to pay security or pet deposits.

The Landlord said that the tenancy ended on July 31, 2016 when the Tenant gave verbal notice on June 30, 2016 that she was moving out of the rental unit on July 31, 2016. The Landlord said the Tenant moved out but did not pay the July 2016 rent of \$511.00. The Landlord said she is requesting the unpaid rent of \$511.00 for July 2016 and to recover the filing fee of \$100.00.

The Landlord submitted a copy of the 10 Day Notice to End Tenancy for Unpaid Rent dated July 7, 2016 that was issued to the Tenant in support of the Landlord’s claim and application.

Analysis

Section 26 says a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.

The Tenant did not have the right under the Act to withhold part or all of the rent for July 2016, therefore I find in favour of the Landlord for the unpaid rent of \$511.00 for July 2016.

As the Landlords have been successful in this matter, they are also entitled to recover from the Tenant the \$100.00 filing fee for this proceeding. The Landlord will receive a monetary order as following:

Unpaid Rent	\$ 511.00
Recover filing fee	\$ 100.00
Subtotal:	\$611.00
Balance Owing	\$611.00

Conclusion

A Monetary Order in the amount of \$611.00 has been issued to the Landlord. A copy of the Order must be served on the Tenant: the Monetary Order may be enforced in the Provincial (Small Claims) 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: February 05, 2018

Residential Tenancy Branch