



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 an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order for unpaid rent or utilities, and to recover the filing fee from the tenant.

Although served with the Application for Dispute Resolution and Notice of Hearing, in person on January 15, 2018 the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

The landlord gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Preliminary matter

At the outset of the hearing the landlord stated that the tenant vacated the premise on March 2, 2018 and an order of possession is not required.

Issue to be Decided

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

Background and Evidence

Rent in the amount of \$800.00 is payable on the first day of each month. The tenant paid a portion of the security deposit in the amount of \$200.00.

The landlord testified that the tenant failed to pay rent for January and February 2018. The landlord seeks to recover unpaid rent in the amount of \$1,600.00.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

Section **26** (1) 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.

I accept the undisputed evidence of the landlord that the tenant failed to pay rent for January and February 2018. I find the tenant breached the Act, and this caused financial losses to the landlord. I find the landlord is entitled to recover unpaid rent in the amount of \$1,600.00.

I find that the landlord has established a total monetary claim of **\$1,700.00** comprised of unpaid rent and the \$100.00 fee paid by the landlord for this application. I grant the landlord an order pursuant to section 67 of the Act. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court. The **tenant is cautioned** that costs of such enforcement are recoverable from the tenant.

Conclusion

The tenant failed to pay rent. The landlord is granted a monetary order.

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: March 15, 2018

Residential Tenancy Branch