



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPRM-DR, FFL

### Introduction

This hearing dealt with an Application for Dispute Resolution by Direct Request (the “Application”) that was scheduled as a participatory hearing. The Landlord filed under the *Residential Tenancy Act* (the “Act”), for a Monetary Order for unpaid rent and for an Order of Possession.

The hearing was convened by telephone conference call and was attended by the Landlord, who provided affirmed testimony. The Tenant did not attend. The Landlord was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

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 confirmed service of these documents as explained below.

The Landlord testified that the Application and the Notice of Hearing were personally served on the Tenant on March 18, 2018. Based on the above and in the absence of any evidence to the contrary, I find that the Tenant was personally served the Application and the Notice of Hearing on March 18, 2018, pursuant to section 89 of the *Act*.

I have reviewed all evidence and testimony before me that was accepted for consideration in this matter in accordance with the Rules of Procedure; however, I refer only to the relevant facts and issues in this decision.

At the request of the Landlord, copies of the decision and any orders issued in their favor will be e-mailed to them at the e-mail address provided in the Application.

## Preliminary Matters

### **Preliminary Matter #1**

Rule 7.1 of the Rules of Procedure states that a dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 of the Rules of Procedure states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party. Based on the above, and given that both the Landlord and I attended the hearing on-time and ready to proceed, the hearing commenced as scheduled despite the absence of the Tenant.

### **Preliminary Matter #2**

At the outset of the hearing the Landlord testified that the Tenant vacated the rental unit on April 15, 2018, and withdrew the Application for an Order of Possession. As a result, the hearing proceeded based only on the Landlord's claim for a Monetary Order for outstanding rent and recovery of the filing fee.

### **Preliminary matter #3**

The Landlord testified that since filing the Application, the amount of outstanding rent has increased to \$4,600.00. Rule 4.2 of the Rules of Procedure states that the Application may be amended in the hearing in circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the date the Application was filed. The Application was therefore amended pursuant to the *Act* and the Rules of Procedure to reflect that the Landlord is seeking \$4,600.00 in outstanding rent.

## Issue(s) to be Decided

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

## Background and Evidence

The Landlord testified that the tenancy began on December 1, 2017, and that rent in the amount of \$1,150.00 is due on the first day of each month. In support of her testimony the Landlord provided me with a copy of the tenancy agreement. The Landlord testified that although a security deposit was paid by the Tenant, the security deposit has

already been dealt with in accordance with the *Act* as the result of a previous dispute resolution hearing.

The Landlord testified that the Tenant vacated the rental unit on April 15, 2018, and that as of the date of the hearing, the Tenant owes \$4,600.00 in outstanding rent for January – April, 2018.

The Tenant did not appear at the hearing to provide any evidence or testimony for my consideration.

### Analysis

I accept the Landlord's undisputed testimony that as of the date of the hearing the Tenant owes of \$4,600.00 in unpaid rent. As the Landlord was successful in their Application, I also find that they are entitled to the recovery of the \$100.00 filing fee.

Based on the above, the Landlord is therefore entitled to a Monetary Order in the Amount of \$4,700.00; \$4,600.00 in outstanding rent, plus \$100.00 for the recovery of the filing fee.

### Conclusion

Pursuant to section 67 of the *Act*, I grant the Landlord a Monetary Order in the amount of \$4,700.00. 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: June 7, 2018

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Residential Tenancy Branch

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