



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNR FF

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, made on May 16, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an monetary order for money owed or compensation for damage or loss;
- a monetary order for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by J.B., an agent, who provided affirmed testimony. The Tenants did not attend the hearing.

On behalf of the Landlord, J.B. testified the Application package was served on the Tenants by registered mail on May 26, 2018. Pursuant to sections 89 and 90 of the *Act*, documents served by registered mail are deemed to be received five days later. Accordingly, I find the Tenants are deemed to have received the Application package on May 31, 2018.

On behalf of the Landlord, J.B. was provided with the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

1. Is the Landlord entitled to a monetary order for money owed or compensation for damage or loss?
2. Is the Landlord entitled to a monetary order for unpaid rent or utilities?
3. Is the Landlord entitled to recover the filing fee?

Background and Evidence

The Landlord submitted a copy of the tenancy agreement between the parties into evidence. It confirmed the fixed-term tenancy began on March 1, 2018. Although the tenancy was expected to continue until February 28, 2019, the Landlord was granted an order of possession following a hearing on July 6, 2018; the file number has been referenced above for convenience. The Tenants have vacated the rental unit. During the tenancy, rent in the amount of \$1,495.00 per month was due on the first day of each month. The Tenants paid a security deposit of \$748.00, which the Landlord holds.

On behalf of the Landlord, J.B. testified the Tenants did not pay rent when due on April 1, May 1, June 1, and July 1, 2018. Currently, rent in the amount of \$5,980.00 remains unpaid.

The Tenants did not attend the hearing to dispute the Landlord's evidence.

Analysis

Based on the unchallenged and affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

The Landlord sought a monetary order for unpaid rent. Section 26 of the *Act* confirms that a tenant must pay rent when due under a tenancy agreement, whether or not the landlord complies with the *Act*, the regulations or the tenancy agreement, unless the tenant has a right under the *Act* to deduct all or a portion of the rent. In this case, I find the Tenant did not pay rent when due on April 1, May 1, June 1, and July 1, 2018. Accordingly, I grant the Landlord a monetary award of \$5,980.00 for unpaid rent.

Having been successful, I also find the Landlord is also entitled to recover the filing fee paid to make the Application. Further, I order that the Landlord may retain the security deposit held in partial satisfaction of the claim.

Pursuant to section 67 of the *Act*, I find the Landlord is entitled to a monetary order in the amount of \$5,332.00, which has been calculated as follows:

Claim	Amount allowed
Unpaid rent:	\$5,980.00
Filing fee:	\$100.00
<i>LESS</i> security deposit:	(\$748.00)
TOTAL:	\$5,332.00

Conclusion

The Landlord is granted a monetary order in the amount of \$5,332.00. The monetary order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: July 19, 2018

Residential Tenancy Branch