



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPN, OPR, MNR, MND, FFL

### Introduction

On September 12, 2018, the Landlord submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (“the Act”) requesting an order of possession for the rental unit due to unpaid rent. The Landlord is also seeking a monetary order for unpaid rent or utilities and for damage.

The matter was set for a conference call hearing at 9:00 a.m. on this date. The Landlord attended the teleconference hearing; however, the Tenant did not. The Landlord testified that she served the Tenant with the Notice of Dispute Resolution proceeding by registered mail sent on September 18, 2018. I find that the Tenant has been duly served in accordance with the Act.

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

### Preliminary and Procedural Matters

The Landlord testified that the Tenant moved out of the rental unit at the end of September 2018. The Landlord has withdrawn the request for an order of possession for the rental unit.

### Issues to be Decided

- Is the Landlord entitled to a monetary order for unpaid rent?
- Is the Landlord entitled to a monetary order for damage?

### Background and Evidence

The Landlord testified that the tenancy began on October 10, 2017. The rent was geared to income. Rent in the amount of \$510.00 was due to be paid to the Landlord by the first day of each month. As of July 1, 2018, the Tenant did not qualify for a rental subsidy and the rent due became \$1,132.00.

The Landlord testified that the Tenant failed to pay all of the rent owing for August 2018. The Landlord testified that the Tenant still owes \$154.00. The Landlord testified that the Tenant did not pay any rent for the month of September 2018. The Landlord testified that the Tenant owes \$1,132.00.

The Landlord testified that the Tenant is responsible for the cost to repair a door. The Landlord testified that the Tenants boyfriend broke the window. The Landlord is seeking \$259.08 for the cost to repair the door. The Landlord provided a copy of the invoice for the repair.

### Analysis

Based on the evidence before me, and the testimony of the Landlord, and on a balance of probabilities, I find that the Tenant has failed to pay the rent due under the tenancy agreement. I find that the Tenant owes the Landlord \$1,286.00 in unpaid rent for August and September 2018.

I find that the Tenant is responsible for the actions of her boyfriend breaking the window. I find that the Tenant owes the Landlord \$259.08 for the repair of the door.

Section 72 of the Act gives me authority to order the repayment of a fee for an application for dispute resolution. I order the Tenant to repay the \$100.00 fee that the Landlord paid to make application for dispute resolution.

I find that the Landlord has established a total monetary claim of \$1645.09 comprised of \$1,286.00 in unpaid rent for the above mentioned dates; \$259.08 for the window repair; and the \$100.00 fee paid by the Landlord for this hearing. 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 owing under the tenancy agreement for the months of August and September 2018.

The Tenant is responsible for the repair cost of a door.

I find that the Landlord has established a total monetary claim of \$1,645.09 comprised of \$1,286.00 in unpaid rent for the above mentioned dates; \$259.08 for the window repair; and the \$100.00 fee paid by the Landlord for this hearing.

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: October 30, 2018

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Residential Tenancy Branch