



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes Tenant: CNR
Landlord: OPR MNR FF

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties. The participatory hearing was held, via teleconference, on September 10, 2018.

The Landlords attended the hearing. However, the Tenant did not. The Landlords testified that they no longer require an order of possession given that the Tenant has already vacated the rental unit. Further, since the Landlord has not received all outstanding utility bills from the tenancy, they withdraw this portion of their claim, and will reapply for this amount later. I have amended the Landlord's application to reflect this and the only remedy the Landlords are seeking in this hearing is to recover unpaid rent.

The Landlords stated that they served the Tenants with their application and evidence by registered mail on July 21, 2018. Pursuant to section 88 and 90 of the Act, I find the Tenant is deemed served with this package 5 days after it was sent, on July 26, 2018.

The Tenant did not appear at the hearing. As such, I dismiss the Tenant's application in its entirety, without leave to reapply.

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.

Issue(s) to be Decided

- Are the landlords entitled to a monetary order for unpaid rent or utilities?

Background and Evidence

The Landlords testified that rent is set at \$2,000.00. The Landlords stated that they have a special setup with the Tenant for when she can pay rent. The Landlord's stated that the Tenant moved in on June 6, 2018, and paid \$2,000.00 for the month of June at that time. Following this, the Tenant was required to pay \$2,000.00 on the 20th of the month for that month. For example, after June rent was paid for on the day the Tenant moved in, then she was required to pay July 2018 rent on July 20, 2018, and August 2018 rent on August 20, 2018. The Landlord stated that they allowed the Tenant to wait until the 20th of the month because this is how she was paid. The Landlord stated that they only received \$700.00 for July 2018, and that \$1,300.00 remains outstanding for that month. The Landlord also stated that the Tenant never paid any rent for August 2018, and that \$2,000.00 remains outstanding for that month.

The Landlords are looking to recover \$3,300.00 in unpaid rent that had accrued up until the point that the Tenant moved out, at the end of August 2018.

Analysis

Section 26 of the *Act* confirms that a tenant must pay rent when it is due unless the tenant has a right under the *Act* to deduct all or a portion of rent.

Having considered the evidence presented at the hearing, I find there is insufficient evidence to show that the Tenant had a right under the *Act* to withhold rent. The consistent evidence before me is that the Tenant did not pay rent (\$3,300.00, as specified above) for July and August of 2018. As such, I find the Landlords are entitled to a monetary order for unpaid rent for these months.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the Landlords were substantially successful in this hearing, I order the tenant to repay the \$100.

Conclusion

The landlords are granted a monetary order pursuant to Section 67 in the amount of **\$3,400.00** comprised of rent owed. This order must be served on the tenant. If the tenant fails to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: September 11, 2018

Residential Tenancy Branch