



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 OPC, OPM, MNRL, FFL

Introduction

This hearing dealt with the Landlord's Application filed under the *Residential Tenancy Act*, (the "*Act*"), for an order of possession pursuant to section 47 or 55 of the *Act*, a monetary order for unpaid rent and to recover the cost of the filing fee for this application. The matter was set for a conference call.

The Property Manager attended the hearing and was affirmed to be truthful in her testimony. As the Tenant did not attend the hearing, service of the Notice of Dispute Resolution Hearing documentation was considered. Section 59 of the *Act* and the Residential Tenancy Branch Rules of Procedure states that the respondent must be served with a copy of the Application for Dispute Resolution and Notice of Hearing. The property Manager testified that the documents were personally served on the Tenant on sent by registered mail on September 6, 2018. I find that the Tenant had been duly served in accordance with the *Act*.

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

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.

Preliminary Matter

At the outset of the hearing, the Property Manager testified that the Tenant had moved out of the rental unit on September 11, 2018, and that she no longer required an Order of Possession.

I will proceed in this hearing on the Landlord's application of a monetary order for unpaid rent and to recover the filing fee.

Issues to be Decided

- Is the Landlord entitled to monetary compensation for unpaid rent?
- Is the Landlord entitled to recover the filing fee for this application?

Background and Evidence

The Property Manager testified that the tenancy began on November 1, 2017. Rent in the amount of \$511.00 was to be paid by the first day of each month, and the Landlord is not holding a security deposit or pet damage deposit for this tenancy. The Property Manager also testified that the Tenant moved out of the rental unit on September 11, 2018.

The Property Manager testified that at the outset of the tenancy the Tenant had not paid the full rent for November 2017, the Tenant had expected to receive a rent subsidy for that period but had been denied. The Landlord and the Tenant had worked out a payment plan for the Tenant to pay the outstanding rent for that period. However, the Tenant had never paid the outstanding rent as agreed. The Property Manager testified that as of the date of this hearing the Tenant was outstanding \$411.00 in rent for November 2017. The Landlord provide a copy of the tenancy agreement and the Tenant income assistance declaration form into documentary evidence.

Analysis

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

I accept the undisputed testimony of the Property Manager that the Tenant failed to pay her full rent for November 2017. I find that the Landlord is entitled to a Monetary Order for unpaid rent for November 2017, in the amount of \$411.00.

Having been successful, I also find the Landlord is entitled to recover the \$100.00 filing fee.

Conclusion

I find for the Landlord under sections 67 and 72 of the Act and grant the Landlord a **Monetary Order** in the amount of **\$511.00**. 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: October 17, 2018

Residential Tenancy Branch