



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL MNDCL-S MNRL-S

Introduction

This hearing was convened in response to applications by the landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

- a return of the filing fee pursuant to section 72 of the *Act*; and
- a Monetary Order for unpaid rent pursuant to section 67 of the *Act*.

Only the landlord attended by way of conference call which lasted ten minutes. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

The landlord gave undisputed testimony that a copy of the Application for Dispute Resolution hearing package, as well as the evidentiary package were sent to the tenant by way of Canada Post Registered Mail on June 20, 2018. A copy of the Canada Post receipt and tracking number were provided to the hearing by the landlord in his evidentiary package. Pursuant to sections 88, 89 and 90 of the *Act*, the tenant is deemed served with the dispute resolution hearing and evidentiary packages on June 25, 2018, five days after their posting.

Issue(s) to be Decided

Is the landlord entitled to a monetary award?

Can the landlord recover the filing fee?

Background and Evidence

The landlord said this tenancy began on March 1, 2018 and was set to expire on February 28, 2019. Rent was \$850.00 per month, and a security deposit of \$425.00 paid at the outset of the tenancy continues to be held by the landlord.

The landlord sought a monetary award of \$1,925.00 for unpaid rent as follows:

- March \$350.00
- April \$180.00
- May \$450.00 (MN issued by adjudicator June 19, 2018)
- June \$850.00
- July \$425.00
- Supreme Court Fee - \$120.00

Total = \$2,375.00 [\$1,925.00 when \$450.00 for May rent is removed]

The landlord acknowledged he had received a June 19, 2018 Order of Possession and Monetary Award from an adjudicator with the *Residential Tenancy Branch* whereby he was granted a 2 day Order of Possession for unpaid rent and a monetary award of \$450.00 representing unpaid rent for May 2018.

Analysis

Section 7(1) of the *Act* establishes that a tenant who does not comply with the *Act*, the regulations or the tenancy agreement must compensate the landlord for damage or loss that results from that failure to comply. Section 67 of the *Act* establishes that if damage or loss results from a tenancy, an Arbitrator may determine the amount of that damage or loss and order that party to pay compensation to the other party.

The landlord provided testimony and written evidence to the hearing, demonstrating that rent was not paid from March, April, May, June and July 2018 . The landlord acknowledged he received a monetary award from an adjudicator for May 2018 rent. In addition to unpaid rent, the landlord seeks a return of the Supreme Court Filing Fee of \$120.00 and a return of the RTB filing fee.

Pursuant to section 67 of the *Act*, I find that the landlord is entitled to a monetary award of \$1,925.00 for unpaid rent of March, April, June and July 2018, along with a return of the Supreme Court Filing Fee. Using the offsetting provisions contained in section 72 of the *Act*, the landlord may withhold the tenant's security deposit in partial satisfaction for the money owed.

As the landlord was successful in his application, he may recover the \$100.00 filing fee pursuant to section 72 of the *Act*.

Conclusion

I make a Monetary Order of \$1,600.00 in favour of the landlord as follows:

Amount	Item
Unpaid rent for March 2018	\$350.00
Unpaid rent for April 2018	180.00
Unpaid rent for June 2018	850.00
Unpaid rent for July 2018	425.00
Return of Supreme Court Filing Fee	120.00
Return of RTB Filing Fee	100.00
Less return of security deposit	(-425.00)
Total =	\$1,600.00

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: November 20, 2018

Residential Tenancy Branch