



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, OPR

Introduction

On November 23, 2018 the Landlord submitted an Application for Dispute Resolution (the “Application”), seeking relief pursuant to the *Residential Tenancy Act* (the “Act”) for the following:

- a monetary order for unpaid rent or utilities;
- an order of possession for unpaid rent.

The hearing was scheduled for 9:30 am on January 8, 2019, as a teleconference hearing. Only the Landlord’s Representative R.S. appeared at the hearing. No one called in for the Tenants. The conference call line remained open and was monitored for 17 minutes before the call ended.

R.S. testified he served the Application package to each of the Tenants via Canada Post Registered Mail to the dispute address on November 23, 2018 and again on November 29, 2018. R.S. provided the tracking numbers pertaining to the Registered Mail receipts confirming these mailings. In the absence of evidence to the contrary, and pursuant to section 71 of the Act, I find the Application package was sufficiently served on the Tenants for the purposes of the *Act*.

R.S. was given the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral 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 Matters

R.S. testified that the Tenants have moved out of the rental unit on December 31, 2018. R.S. is satisfied that the tenancy has ended and is therefore no longer seeking an order of possession for unpaid rent.

Issue(s) to be Decided

1. Is the Landlord entitled to a monetary order for unpaid rent or utilities, pursuant to Section 67 of the *Act*?

Background and Evidence

R.S. testified that he was not certain when the tenancy began, but estimates it began approximately 4 years ago. Rent in the amount of \$800.00 per month was due on the first day of each month. R.S. stated that he did not collect a security deposit from the Tenants. R.S. confirms that the rental unit is a self-contained basement suite with no shared or common areas.

R.S. testified the Tenants did not pay rent when due in October and November, 2018. Subsequently, R.S. issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated November 13, 2018 (the "10 Day Notice"). At that time, rent in the amount of \$1,600.00 was outstanding. The Landlord states that the 10 Day Notice was served on the Tenants by posting it on their door.

R.S. testified that the Tenants vacated the rental unit on December 31, 2018. R.S. states that the Tenants also did not pay rent when due for December 2018 and have not made any payments towards the amount of rent owing.

R.S. is seeking a monetary order in the amount of \$3,200.00 for unpaid rent for the months of October, November and December 2018. As noted above, the Tenants did not attend the hearing to dispute the Landlord's evidence.

Analysis

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

Section 26(1) of the *Act* confirms:

A tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.

I find the Landlord has established an entitlement to a monetary award for unpaid rent in the amount of \$2,400.00 for the amount of unpaid rent due for the months of October, November and December 2018.

Pursuant to section 67 of the Act, I find the Landlord is entitled to a monetary order in the amount of \$2,400.00.

Conclusion

The Landlord is granted a monetary order in the amount of \$2,400.00. 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: January 09, 2019

Residential Tenancy Branch