



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL OPRM-DR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for

- an Order of Possession;
- a monetary order for unpaid rent; and,
- reimbursement of the filing fee.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open from the scheduled hearing time at 11:00 a.m. until 11:11 a.m. to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct participant code was provided to the tenants.

The landlord testified that the tenant was served the notice of dispute resolution package with the landlord's evidence by registered mail on Feb 25, 2019. The Canada Post tracking number is referenced on the first page of this decision. I find that the tenant was deemed served with this package on March 2, 2019, five days after the tenant were served, in accordance with sections 89 and 90 of the *Act*.

The landlord issued a 10 Day Notice to End Tenancy for Unpaid Rent (the "Ten-Day Notice") and posted the notice on the door of the tenant's rental unit on February 7, 2019. The Ten-Day stated unpaid rent of \$1,525.00 as of February 1, 2019. The notice stated a move out dated of February 17, 2019. I find that the Ten-Day notice is deemed to have been served three days after it was posted, being February 10, 2019 in accordance with sections 88 and 90 of the *Act*.

Preliminary Matter: Tenant Moved Out

At the outset of the hearing the landlord testified that the tenant had vacated the rental unit in February 2019 and an Order of Possession was no longer required. Accordingly, the landlord's application for an Order of Possession was withdrawn.

Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent pursuant to section 67 of the *Act*?

Is the landlord entitled to reimbursement of the filing fee pursuant to section 72 of the *Act*?

Background and Evidence

The landlord testified that the tenancy started on April 23, 2017 as a sublet agreement. The rent was \$1,525.00 payable on the first day of each month. The landlord did not know whether the tenant paid a security deposit. The sublet agreement did not state whether or not a security deposit was required.

The landlord testified that the tenant did not pay any rent for February 2019. The landlord seeks a monetary order for \$1,525.00 in unpaid rent from February 2019.

Analysis

Based upon the undisputed testimony of the landlord and the terms of sublet agreement, I find that the tenant was obligated to pay the monthly rent in the amount of \$1,525.00, on time and in full each month, up to and including the rental period commencing on February 1, 2019.

Based upon the undisputed testimony of the landlord, I find that the tenant did not pay any rent for February 2019. Section 71(1) of the *Act* states that "If a tenant does not comply with this Act, the regulations or their tenancy agreement, the non-complying tenant must compensate the other for damage or loss that results." Pursuant to section 71(1), I find the landlord is entitled to a monetary award of \$1,525.00 for unpaid rent in February 2019.

In addition, since the landlord has been successful this matter, I award the landlord \$100.00 for recovery of the filing fee which may also be deducted from the security deposit pursuant to section 72(2)(b) of the *Act*.

Accordingly, I find that the landlords are entitled to a monetary order of \$1,625.00, calculated as follows.

<u>Item</u>	<u>Amount</u>
February 2019 rent unpaid	\$1,525.00
Filing fee	\$100.00
Total	\$1,625.00

Conclusion

I grant the landlord a monetary order in the amount of **\$1,625.00**. If the tenant fails to comply with this order, the landlord may file the order in the Provincial Court to 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: April 11, 2019

Residential Tenancy Branch