



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MNR FF

### Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on May 3, 2019. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent or utilities.

The Landlord provided testimony at the hearing. The Tenant did not attend the hearing.

The Landlord testified that she personally served one of the Tenants, T.R., in person with her application and evidence on January 16, 2019. I find T.R. was served on this day. The Landlord also sent the other Tenant, V.R., a copy of the application and evidence by registered mail on January 17, 2019. The Landlord provided a copy of the registered mailing receipt. I find V.R. is deemed to have received this package on January 22, 2019, the fifth day after its registered mailing, pursuant to Section 90 of the *Act*.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. 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.

### Issues to be Decided

1. Is the Landlord entitled to a monetary order for unpaid rent or utilities?

### Background and Evidence

The Landlord testified that:

- monthly rent is \$1,600.00, and is due on the first of the month.
- She does not hold a security deposit, as the Tenants already authorized her to retain that amount to offset some of the rent they owed in the past
- The Tenants moved out on December 31, 2018
- The Tenants did not pay December 2018 rent and still owe this amount.
- The Landlord provided text messages showing that rent was owed by the Tenants.

### Analysis

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

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.

With respect to the Landlord's request for a Monetary Order for unpaid rent, I find there is sufficient evidence from the Landlord's undisputed documentary evidence and testimony before me to demonstrate that the Tenants owe and have failed to pay \$1,600.00 in rent for December 2018.

Further, section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the Landlord was successful in this hearing, I also order the Tenants to repay the \$100.00 fee the Landlord paid to make the application for dispute resolution.

### Conclusion

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$1,700.00**. This order must be served on the Tenants. If the Tenants fail 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: May 6, 2019

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Residential Tenancy Branch