



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding RETIRE WEST COMMUNITIES  
LTD. and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, FF, O

### Introduction

This matter dealt with an application by the Landlord for a Monetary Order for unpaid rent, to recover the filing fee for this proceeding and for other considerations.

The Landlord said he served the Tenants with the Application and Notice of Hearing (the “hearing package”) by posting the package on the door of the Tenants manufactured home on September 7, 2019. Based on the evidence of the Landlord, I find that the Tenants were served with the Landlord’s hearing package as required by s. 89 of the Act and the hearing proceeded in the Tenants absence.

### Issues(s) to be Decided

1. Is there unpaid rent and if so, how much?
2. Is the Landlord entitled to compensation for unpaid rent and if so how much?
3. What other considerations are there?

### Background and Evidence

This tenancy started on February 1, 2018 as a month to month tenancy. Rent was \$342.00 per month payable on the 1<sup>st</sup> day of each month. The Landlord said the Tenants abandoned the unit after receiving a 10 Day Notice to End Tenancy for Unpaid Rent dated August 14, 2019.

The Landlord said that the Tenant did not pay \$2,233.00 rent during the tenancy. The Landlord provided the rent ledger in his evidence package to support his claim for unpaid rent.

The Landlord also requested to recover the filing fee of \$100.00.

### Analysis

Section 20 of the Act says 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.

The Tenants do not have the right under the Act to withhold part or all of the rent; therefore I find the Tenants are responsible for the unpaid rent of \$2,233.00.

As the Landlords have been successful in this matter, he is also entitled to recover from the Tenants the \$100.00 filing fee for this proceeding. Pursuant to s. 60 and s. 65 of the Act the Landlord will receive a monetary order for the balance owing as following:

Rent arrears:	\$ 2,233.00	
Recover filing fee	\$ 100.00	
Subtotal:		\$ 2,333.00
Balance Owing		\$ 2,333.00

### Conclusion

A Monetary Order in the amount of \$2,333.00 has been issued to the Landlord. A copy of the Order must be served on the Tenants: the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

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 29, 2019

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Residential Tenancy Branch