



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** FFL MNRL-S

### **Introduction**

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for:

- a monetary order for unpaid rent or money owed pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72 .

While the landlord and his agent, EK, attended the hearing by way of conference call, the tenants did not. I waited until 1:42 P.M. to enable the tenants to participate in this scheduled hearing for 1:30 P.M. The landlord and his agent were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord, his agent, and I were the only ones who had called into this teleconference.

The landlord's agent testified that the tenants were both personally served with the landlords' application for dispute resolution hearing package on July 18, 2019. The landlord's agent testified that this was witnessed by another party, GK. In accordance with sections 88 and 89 of the *Act*, I find the tenants duly served with the landlords' application and evidence on July 18, 2019. The tenants did not submit any written evidence for this hearing.

### **Issues(s) to be Decided**

Are the landlords entitled to a monetary order for unpaid rent?

Are the landlords entitled to recover the filing fee for this application?

**Background and Evidence**

The landlords' agent testified that this tenancy began on February 15, 2018. Monthly rent was set at \$1,800.00, payable on the first of every month. The landlords collected a security deposit in the amount of \$900.00, which they still hold.

The landlords applied for an Order of Possession by way of a Direct Request Process, and were granted an Order of Possession by the Adjudicator on July 15, 2019 after an ex-parte hearing was held. The landlords believe that the tenants moved out on or around July 22, 2019 as the tenants did not give formal notice to the landlords that they would be moving out.

The landlords are seeking a monetary order for unpaid rent. The landlords provided a monetary worksheet detailing the payments made by the tenants, and the unpaid rent that they still owe.

<b>Item</b>	<b>Amount</b>
Unpaid Rent for May 2018	\$200.00
Unpaid Rent for June 2018	800.00
Unpaid Rent for July 2018	800.00
Unpaid Rent for August 2018	100.00
Unpaid Rent for September 2018	700.00
Unpaid Rent for October 2018	600.00
Unpaid Rent for November 2018	300.00
Unpaid Rent for December 2018	1,000.00
Unpaid Rent for January 2019	500.00
Unpaid Rent for February 2019	800.00
Unpaid Rent for April 2019	1,000.00
Unpaid Rent for May 2019	800.00
Unpaid Rent for June 2019	1,300.00
Unpaid Rent for July 2019	1,800.00
Recovery of Filing Fee	100.00
Less Security Deposit	-900.00
<b>Total Monetary Order Requested</b>	<b>\$8,900.00</b>

## **Analysis**

**Section 26** of the Act, in part, states as follows:

### **Rules about payment and non-payment of rent**

**26** (1) 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 landlords provided undisputed evidence at this hearing, as the tenants did not attend. I accept the landlords' testimony and evidence that the tenants failed to pay \$9,700.00 in outstanding rent for this tenancy. Accordingly, I allow the landlords to recover the \$9,700.00 owed to them.

As the landlords were successful with their application, I allow the landlords to recover the filing fee paid for this application.

The landlords continue to hold the tenants' security deposit of \$900.00. In accordance with the offsetting provisions of section 72 of the Act, I order the landlords to retain the tenants' security deposit of \$900.00 in partial satisfaction of the monetary claim.

## **Conclusion**

I allow the landlords' monetary claim for unpaid rent and the filing fee as set out in the table below. The landlords are issued a monetary order in the amount of \$8,900.00. In accordance with the offsetting provisions of section 72 of the Act, I order the landlords to retain the tenants' security deposit in satisfaction of the monetary claim.

<b>Item</b>	<b>Amount</b>
Unpaid Rent for May 2018	\$200.00
Unpaid Rent for June 2018	800.00
Unpaid Rent for July 2018	800.00
Unpaid Rent for August 2018	100.00
Unpaid Rent for September 2018	700.00
Unpaid Rent for October 2018	600.00
Unpaid Rent for November 2018	300.00
Unpaid Rent for December 2018	1,000.00
Unpaid Rent for January 2019	500.00
Unpaid Rent for February 2019	800.00

Unpaid Rent for April 2019	1,000.00
Unpaid Rent for May 2019	800.00
Unpaid Rent for June 2019	1,300.00
Unpaid Rent for July 2019	1,800.00
Recovery of Filing Fee	100.00
Less Security Deposit	-900.00
<b>Total Monetary Order</b>	<b>\$8,900.00</b>

The tenant(s) must be served with this Order as soon as possible. Should the tenant(s) 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: October 28, 2019

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Residential Tenancy Branch