



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution made on May 17, 2020 (the "Application"). The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- an order that the Landlords be permitted to retain the security deposit; and
- an order granting recovery of the filing fee.

The Landlords attended the hearing and provided affirmed testimony. The Tenant did not attend the hearing.

The Landlords testified the Notice of Dispute Resolution Proceeding package was served on the Tenant by email on May 20 and 22, 2020. The Landlords testified the Tenant acknowledged receipt of these documents in a text message on May 22, 2020. Pursuant to section 71 of the *Act*, I find these documents were sufficiently served for the purposes of the *Act*.

The Landlords were given 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.

Preliminary and Procedural Matters

During the hearing the Landlords confirmed the Tenant vacated the rental unit on June 6, 2020 and that an order of possession is no longer required. This aspect of the Application has not been considered further in this Decision.

Issues to be Decided

1. Are the Landlords entitled to a monetary order for unpaid rent or utilities?
2. Are the Landlords entitled to retain the security deposit?
3. Are the Landlords entitled to recover the filing fee?

Background and Evidence

The tenancy agreement submitted into evidence confirms the month-to-month tenancy began on February 1, 2019. Rent in the amount of \$1,500.00 per month is due on the first day of each month. The Tenant paid a security deposit of \$750.00, which the Landlords hold.

The Landlords testified the Tenant has not paid rent in full when due on March 1, April 1, May 1, and June 1, 2020. However, the Landlords acknowledged the Tenant paid \$1,000.00 on April 22, 2020 and \$1,000.00 on April 30, 2020. The Landlords also testified they received a rent supplement payment of \$300.00 from the Province in each of May and June 2020. Therefore, the Landlords testified that rent in the amount of \$3,400.00 remains outstanding for the period from March 1 to June 30, 2020, calculated as follows:

Unpaid rent calculation:

Rent due:	\$6,000.00
<i>LESS</i> payments received:	\$2,600.00
TOTAL:	\$3,400.00

The Landlords also sought to recover the filing fee paid to make the Application and requested to apply the security deposit held in partial satisfaction of the claim.

The Tenant did not attend the hearing to dispute the Landlords' evidence.

Analysis

Based on the affirmed oral testimony and documentary evidence, 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.

[Reproduced as written.]

I find the Tenant did not pay rent as alleged by the Landlords. Therefore, I find the Landlords have established an entitlement to unpaid rent in the amount of \$3,400.00. Having been successful, the Landlords are also entitled to recover the \$100.00 filing fee paid to make the Application. I also find it is appropriate in the circumstance to order that the Landlords are authorized to retain the security deposit held in partial satisfaction of the claim.

Pursuant to section 67 of the *Act*, I grant the Landlords a monetary order in the amount of \$2,750.00, which has been calculated as follows:

Claim	Allowed
Unpaid rent:	\$3,400.00
Filing fee:	\$100.00
<i>LESS</i> security deposit:	(\$750.00)
TOTAL:	\$2,750.00

Conclusion

The Landlords are granted a monetary order in the amount of \$2,750.00. 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: June 15, 2020

Residential Tenancy Branch