



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC MNR MND FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The participatory hearing was held on October 16, 2020. The Landlord applied for multiple remedies, pursuant to the *Residential Tenancy Act* (the "Act").

The Landlords provided testimony at the hearing. The Tenants did not attend the hearing.

The Landlords testified that they sent a copy of the Notice of Hearing along with supporting documentary evidence to the Tenants on June 29, 2020, by registered mail. The Landlord provided a copy of the registered mailing receipt. I find the Tenants received this package on July 4, 2020, the fifth day after its registered mailing, pursuant to Section 90 of the *Act*.

The Landlords have requested to amend their application to include rent that has accrued since the original application date, as well as to withdraw their application for all monetary items, except for unpaid rent. The Landlord stated that since they first filed their application, the Tenants moved out. I turn to the following Rules of Procedure (4.2):

Amending an application at the hearing

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing.

In consideration of this, I allow the Landlords to amend their application to include rent that has accrued. I also allow the Landlord to withdraw all of his application except for the following ground:

- a monetary order for unpaid rent or utilities.

The Landlords were 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 Landlords testified that monthly rent is \$2,400.00, and is due on the first of the month. The Landlords testified that they hold a security deposit of \$1,200.00 and a pet deposit of \$800.00.

The Landlords stated that the Tenants stopped paying rent in March of 2020, and failed to pay any rent for April, May, June, or July 2020. The Landlords stated that the Tenants moved out of the rental unit at the end of July 2020, leaving a large amount of rent outstanding. The Landlord is seeking 4 x \$2,400.00.

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 (security deposit overpayment, emergency repairs paid for by the Tenant, illegal rent increases, or another Order by an Arbitrator).

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 \$9,600.00 in rent from the period of April – July 2020.

Section 72 of the *Act* allows me to authorize that the security and pet deposit, currently held by the Landlords, be kept and used to offset the amount of rent still owed by the Tenant. I hereby grant the Landlords permission to retain the deposits. Since the Landlords were successful in this application, I award the recovery of the filing fee (\$100.00), pursuant to section 72 of the *Act*. In summary, I grant the monetary order based on the following:

Claim	Amount
Unpaid rent	\$9,600.00
Filing Fee	\$100.00
Less: Security deposit and pet deposit currently held by Landlords	(\$2,000.00)
TOTAL:	\$7,700.00

Conclusion

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$7,700.00**. 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: October 16, 2020

Residential Tenancy Branch