



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding bclMC REALTY CORPORATION c/o QUADREAL
RESIDENTIA and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNRL, FFL

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for unpaid rent or utilities and to recover the fee for filing this Application for Dispute Resolution.

The Agent for the Landlord stated that on October 22, 2020 the Dispute Resolution Package and the evidence the Landlord submitted to the Residential Tenancy Branch were sent to the Tenant, via registered mail, at the service address noted on the Application. The Landlord submitted Canada Post documentation that corroborates this statement. In the absence of evidence to the contrary I find that these documents have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenant did not appear at the hearing.

As the aforementioned documents have been served to the Tenant, the hearing proceeded in the absence of the Tenant and the evidence was accepted as evidence for these proceedings.

The Agent for the Landlord was given the opportunity to present relevant oral evidence, to ask relevant questions, and to make relevant submissions. She affirmed that she would provide the truth, the whole truth, and nothing but the truth at these proceedings.

Issue(s) to be Decided

Is the Landlord entitled to compensation for unpaid rent and utilities?

Background and Evidence

The Agent for the Landlord stated that:

- the tenancy began on April 01, 2020;
- the Tenant agreed to pay monthly rent of \$1,700.00 by the first day of each month;
- the Tenant was required to pay for hydro;
- the Tenant did not pay \$18.38 in hydro charges that accrued between April 01, 2020 and April 23, 2020;
- on September 01, 2020 the Tenant gave written notice to end the tenancy, effective September 30, 2020;
- the rental unit was vacated on September 30, 2020;
- no rent was paid for September of 2020;
- on August 28, 2020 the Tenant was served with a repayment plan for unpaid rent and utilities, in the amount of \$2,718.38, which did not include the unpaid rent from September of 2020;
- the Tenant did not pay any of the amounts outlined on the repayment plan;
- the Landlord is seeking to recover all of the unpaid rent and utility fees specified on the repayment plan; and
- the Landlord is seeking to recover the unpaid rent from September of 2020.

Analysis

Section 26 of the *Residential Tenancy Act (Act)* requires tenants to pay rent when it is due.

On the basis of the undisputed evidence I find that the Tenants have not paid \$4,400.00 in unpaid rent that was due for periods prior to September 30, 2020. I therefore find that the Tenant must pay the Landlord \$4,400.00 in unpaid rent.

On the basis of the undisputed evidence, I find that the Tenant was required to pay for hydro costs incurred during the tenancy and that the Tenant did not pay \$18.38 in hydro charges that accrued between April 01, 2020 and April 23, 2020. I therefore find that the Tenant owes the Landlord \$18.38 for hydro.

I find that the Landlord's Application for Dispute Resolution has merit and that the Landlord is entitled to recover the fee for filing this Application for Dispute Resolution.

Conclusion

The Landlord has established a monetary claim, in the amount of \$4,518.38, which includes \$4,418.38 in unpaid rent/hydro and \$100.00 in compensation for the fee paid to file this Application for Dispute Resolution.

Based on these determinations I grant the Landlord a monetary Order for \$4,518.38. In the event the Tenant does not voluntarily comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims 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 *Act*.

Dated: February 15, 2021

Residential Tenancy Branch