



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPR, MNRL-S, FFL

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession, a monetary Order for unpaid rent, and to recover the fee for filing this Application for Dispute Resolution. At the outset of the hearing the Landlord withdrew the application for an Order of Possession, as the rental unit has been vacated.

The Agent for the Landlord stated that on April 01, 2021 Dispute Resolution Package and the Landlord's evidence were sent to the Tenant, via registered mail, at the rental unit. The Agent for the Landlord cited a tracking number that corroborates this statement. The Agent for the Landlord stated that the aforementioned documents were also placed in the Tenant's mailbox. 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)*.

As the aforementioned documents were served to the Tenant in accordance with section 89 of the *Act*, 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. The Agent for the Landlord affirmed that she would speak the truth, the whole truth, and nothing but the truth during these proceedings.

The Agent for the Landlord was advised that the Residential Tenancy Branch Rules of Procedure prohibit private recording of these proceedings. She affirmed she would not record any portion of these proceedings.

Preliminary Matter

The Agent for the Landlord applied to amend the name of the Landlord on the Application for Dispute Resolution. As it appears that the Landlord's name was entered incorrectly due to an inadvertent error, the Application for Dispute Resolution was amended to reflect the correct legal name.

Issue(s) to be Decided

Is the Landlord entitled to a monetary Order for unpaid rent or unpaid utilities?

Background and Evidence

The Agent for the Landlord stated that:

- this tenancy began on October 21, 2006;
- the Tenant was required to pay monthly rent of \$718.00 by the first day of each month;
- the Tenant still owes \$503.00 in rent for November of 2020, \$718.00 in rent for December of 2020, \$718.00 in rent for January of 2021, \$718.00 in rent for February of 2021, \$718.00 in rent for March of 2021, and \$718.00 in rent for April of 2021;
- the unit was vacated on April 30, 2021; and
- the Landlord is not seeking compensation for rent for any period after April 30, 2021.

Analysis

On the basis of the undisputed evidence, I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to pay monthly rent of \$4,093.00 for the period between November 01, 2020 and April 30, 2021.

As the Tenant is required to pay rent when it is due, pursuant to section 26(1) of the Act, and she remained in possession of the unit until April 30, 2021, I find that the Tenant must pay \$4,093.00 in outstanding rent to the Landlord.

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

Conclusion

The Landlord has established a monetary claim, in the amount of \$4,193.00, which includes \$4,093.00 in unpaid rent 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 \$4,193.00. 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: May 13, 2021

Residential Tenancy Branch