



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC Housing Management Commission and  
[tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes:** MNRL, MNDCL, FFL

### **Introduction**

This hearing dealt with the landlord's 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's agent, LA ("landlord"), attended the hearing by way of conference call, the tenant did not. I waited until 1:40 p.m. to enable the tenant to participate in this scheduled hearing for 1:30 p.m. The landlord's agent was 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's agent, and I were the only one who had called into this teleconference.

The landlord's agent testified that the tenant was served with a copy of the dispute resolution hearing package ('Application') and evidence by way of registered mail on January 22, 2021. The landlord provided the tracking information in their evidence. In accordance with sections 88, 89, and 90 of the *Act*, I find that the tenant deemed served with the Application and evidence on January 27, 2021, five days after mailing. The tenant did not submit any written evidence for this hearing.

### **Issues to be Decided**

Is the landlord entitled to a monetary order for unpaid rent or money owed?

Is the landlord entitled to recover the filing fee for this application?

### **Background and Evidence**

This month-to-month tenancy began in April 2012 with monthly rent currently set at \$612.00 per month, payable on the first of every month, and ended on August 14, 2019.

The landlord testified that the tenant has failed to pay \$194.00 for the August 2019 rent, and \$663.00 still owing as part of the repayment agreement for a total of \$857.00 in unpaid rent. The landlord is asking seeking to recover the filing fee.

### **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 landlord provided undisputed evidence that the tenant failed to pay outstanding rent in the amount of \$857.00 for this tenancy. Therefore, I find that the landlord is entitled to \$857.00 in outstanding rent for this tenancy.

As the landlord was successful in their application, I find that the landlord is entitled to recover the filing fee for this application.

### **Conclusion**

I issue a \$957.00 Monetary Order in favour of the landlord, which allows the landlord to recover unpaid rent and the filing fee for this application.

The tenant must be served with this Order as soon as possible. Should the tenant 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: May 31, 2021

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Residential Tenancy Branch