



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** FFL MNRL

### **Introduction**

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for:

- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72 .

While the landlords attended the hearing by way of conference call, the tenant did not. I waited until 1:41 p.m. to enable the tenant to participate in this scheduled hearing for 1:30 p.m.. The landlords were 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 landlords and I were the only ones who had called into this teleconference.

The landlords were clearly informed of the RTB Rules of Procedure Rule 6.11 which prohibits the recording of a dispute resolution hearing by attending parties. The landlords confirmed that they understood.

The landlords testified that the tenant was personally served with the landlord's application and evidence package on October 29, 2021. The landlords provided photos of the tenant receiving the documents at their workplace. In accordance with sections 88 and 89 of the *Act*, I find that the tenant duly served with the landlord's application and evidence.

### **Issue(s) to be Decided**

Are the landlords entitled to monetary compensation for unpaid rent?

Are the landlords entitled to recover their filing fee for this application?

### **Background and Evidence**

The landlords testified regarding the following facts. This fixed-term tenancy began on April 1, 2019 and was to end on March 1, 2022. Monthly rent was set at \$2,500.00, payable on the first of the month. The landlords still hold the security deposit of \$1,250.00.

The landlords testified that the tenants moved out without paying \$4,300.00 in outstanding rent. The landlords are seeking a monetary order for the unpaid rent, plus recovery of 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 moved out on August 31, 2021 without paying the outstanding rent for this tenancy. The tenant did not attend the hearing, nor did the tenant submit any written evidence, disputing the landlords' claim. I accept the landlords' testimony that the tenant did not pay \$4,300.00 in outstanding rent for this tenancy. On this basis, I allow the landlords a monetary order in this amount.

As the landlords were successful with their application, I allow the landlords to recover the filing fee paid for this application.

The landlords continues to hold the tenant's security deposit of \$1,250.00. In accordance with the offsetting provisions of section 72 of the *Act*, I order the landlords to retain the tenant's security deposit in partial satisfaction of the monetary claim.

### **Conclusion**

I allow the landlords' monetary claim for unpaid rent and recovery of the filing fee. In accordance with the offsetting provisions of section 72 of the *Act*, I order the landlords to retain the tenant's security deposit in partial satisfaction of the monetary claim. The landlords will be provided with a monetary order in the amount of \$3,150.00.

|             |            |
|-------------|------------|
| Unpaid Rent | \$4,300.00 |
|-------------|------------|

|                                |                   |
|--------------------------------|-------------------|
| Filing Fee                     | 100.00            |
| Less Deposit Held by Landlords | -1,250.00         |
| <b>Total Monetary Order</b>    | <b>\$3,150.00</b> |

The tenant(s) must be served with this Order as soon as possible. Should the tenant(s) 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: June 21, 2022

---

Residential Tenancy Branch