



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. A participatory hearing was held on November 4, 2022. The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession based on a 10 Day Notice to End Tenancy for Unpaid rent (the Notice);
- a monetary order for unpaid rent or utilities; and,
- to recover the filing fee from the Tenant for the cost of this application.

The Landlord (agent of) attended the hearing and provided affirmed testimony. The Tenant did not attend the hearing.

The Landlord stated that he sent a copy of the Notice of Dispute Resolution Proceeding along with supporting documentary evidence to the rental unit by registered mail on June 9, 2022. I find the Tenant received this package on June 14, 2022, the fifth day after its registered mailing, pursuant to Section 90 of the *Act*.

The Landlord testified that the Tenant moved out of the rental unit on June 15, 2022, and he no longer requires an order of possession. I have amended the Landlord's application accordingly and will only be considering the Landlord's request to recover unpaid rent.

The Landlord was 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?
2. Is the landlord entitled to recover the filing fee from the tenant for the cost of this application?

Background and Evidence

The Landlord testified that monthly rent is \$1,700.00, and is due on the first day of the month. The Landlord stated that he currently holds a security deposit in the amount of \$800.00.

The Landlord stated that the Tenant failed to make any rent payments for the months of February, March, April, and May 2022 (4 x \$1,700.00). The Landlord stated that the Tenant moved out suddenly in June 2022, without paying her outstanding rent, and now owes \$6,800.00.

Analysis

Based on the unchallenged affirmed 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.

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 testimony before me to demonstrate that the tenant owes and has failed to pay \$6,800.00 in rent for February-May 2022, as specified above.

Section 72 of the *Act* gives me authority to order the repayment of a fee for an application for dispute resolution. Since the Landlord was substantially successful in this hearing, I order the Tenant to repay the \$100. Also, pursuant to sections 72 of the *Act*, I authorize that the security deposit, currently held by the Landlord, be kept and used to offset the amount of rent still owed by the Tenant. In summary, I grant the monetary order based on the following:

Claim	Amount
Cumulative unpaid rent as above	\$6,800.00
Other:	
Filing fee	\$100.00
Less:	
Security Deposit currently held by Landlord	(\$800.00)
TOTAL:	\$6,100.00

Conclusion

The Landlord is granted a monetary order pursuant to Section 67 in the amount of **\$6,100.00**. This order must be served on the Tenant. If the Tenant fails 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: November 04, 2022

Residential Tenancy Branch