



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

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DECISION

Dispute Codes: OPC MNRL-S FFL

Introduction

The landlord sought an order of possession on an undisputed notice to end tenancy under sections 47(5) and 55(2)(b) of the *Residential Tenancy Act* (the “Act”). The landlord also seeks a monetary order of unpaid rent and to recover the cost of the application filing fee pursuant to sections 26 and 72, respectively, of the Act.

The tenant moved out of the rental unit in September 2022, so the landlord only seeks the monetary order at this point in the dispute resolution proceeding.

A hearing was held on Monday, November 7, 2022 at 9:30 AM and only an agent for the landlord attended. (A lawyer on another file briefly dialed into the hearing, but then left.) The agent testified that they served the Notice of Dispute Resolution Proceeding on the respondent tenant by Canada Post registered mail on July 12, 2022.

Issue

Is the landlord entitled to a monetary order?

Facts

The tenancy began on September 1, 2018. Monthly rent, which is due on the first day of the month, is \$1,508.00. The tenant paid a \$725.00 security deposit. A copy of the written tenancy agreement was submitted into evidence.

On April 20, 2022 the landlord posted a One Month Notice to End Tenancy for Cause (the “Notice”) on the door of the tenant’s rental unit. As noted, the tenant later vacated the rental unit in September 2022.

As of September 2022, the tenant still owes \$3,578.00 in unpaid rent.

Analysis

Section 26 of the Act states that a tenant must pay rent when it is due under the tenancy agreement unless the tenant has a right under the Act to deduct all or a portion of the rent.

In this case, there is no evidence for me to find that the tenant had a right under the Act not to pay the rent. The tenant owes \$3,578.00 in rent arrears. Taking into consideration the undisputed oral and documentary evidence before me, it is my finding that the landlord has proven that the tenant owes \$3,578.00 in rent arrears.

The landlord is further awarded \$100.00 under section 72 of the Act. The tenant is required to pay this amount to the landlord to pay for the application filing fee.

In total the landlord is awarded \$3,678.00. Pursuant to section 38(4)(b) of the Act the landlord is authorized and ordered to retain the tenant's \$725.00 security deposit in partial satisfaction of the total amount awarded. A monetary order in the amount of \$2,953.00 is granted to the landlord and issued in conjunction with this Decision. The landlord must serve the tenant with a copy of the monetary order, which is enforceable in the Provincial Court of British Columbia.

Conclusion

The application is hereby granted.

The landlord is granted a monetary order in the amount of \$2,953.00 and is authorized to retain the tenant's \$725.00 security deposit.

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: November 7, 2022

Residential Tenancy Branch