



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, CNC, MNDCT, DRI, LRE, OLC, FFT  
OPR-DR, MNR-DR, FFL

### Introduction

The landlord and the tenants sought relief under the *Residential Tenancy Act* (“Act”).

It is noted that the tenants vacated the rental unit around November 22, 2022 and they did not attend the hearing. (The hearing began at 9:30 AM and ended at 9:41 AM.) The tenants’ application is thus dismissed in its entirety without leave to reapply. The only remaining matter is the landlord’s claim for unpaid rent and recovery of the filing fee.

### Issues

Is the landlord entitled to compensation for unpaid rent?

### Background and Evidence

It is uncertain as to when the tenancy began, but it ended when the tenants abandoned the rental unit on or about November 22, 2022 and the landlord changed the locks. Monthly rent was \$1,700.00. There is a \$850.00 security deposit.

The landlord testified under oath that the tenants did not pay rent for September, for October, and for the twenty-two days in November 2022. This is the amount that he seeks, in addition to the cost of the application filing fee. Various documentary evidence was submitted by the landlord to support his claim.

### Analysis

Section 26 of the Act requires tenants to pay rent on time unless they have a legal right to withhold some of the rent.

The landlord's undisputed oral and documentary evidence persuades me on a balance of probabilities that the tenants did not comply with section 26 and therefore owe the landlord unpaid rent in the amount of \$4,629.58. (\$1,700.00 + \$1,700.00 + \$1,229.59.)

**The landlord's application for a monetary order is granted and as such he is also entitled to recover the cost of the \$100.00 application filing fee. Therefore, the landlord is awarded a total of \$4,729.58.**

**Pursuant to section 38(4)(b) of the Act the landlord is authorized to retain the \$850.00 security deposit in partial satisfaction of the amount awarded. A monetary order for the \$3,879.59 balance owing is issued with this decision to the landlord. The tenants are hereby ordered, pursuant to section 55(1.1) of the Act to pay this amount to the landlord within 15 days of receiving this decision.**

The landlord must also (once he determines the tenants' address) serve a copy of the monetary order upon the tenants. If the tenants fail to pay amount ordered, then the landlord may enforce the monetary order in the Provincial Court of British Columbia.

### Conclusion

The landlord's application is granted.

The tenants' application is dismissed without leave to reapply.

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: January 31, 2023

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Residential Tenancy Branch