



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

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

Introduction

This dispute relates to the Tenant's May 9, 2023 Application for Dispute Resolution seeking remedy under the *Residential Tenancy Act* (Act) for the following:

- to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10-Day Notice),
- compensation for monetary loss or money owed,
- to suspend or set conditions on the landlord's right to enter the rental unit,
- reimbursement of the filing fee.

The dispute was crossed with the Landlord's May 17, 2023 Application for Dispute Resolution for an Order of Possession, a Monetary Order for Unpaid Rent and reimbursement of the filing fee.

As the Tenant failed to attend the hearing, I dismiss their application without leave to reapply as per Rule of Procedure 7.3. Although the Tenant's application is dismissed, under section 55(1.1) I will consider the validity of the 10-Day Notice and whether the Tenant owes unpaid rent.

Further, I asked the Landlord to demonstrate that the Tenant was notified of the Landlord's application and evidence they intend to rely upon. The Landlord affirmed they served the Tenants by registered mail at the rental unit and provided Canada Post tracking numbers as confirmation. I deem the Tenants received the notice of proceeding and supporting evidence on May 24, 2023, and proceeded with the hearing.

Preliminary Matter – Tenants have moved out

The Landlord advised the Tenant moved out by June 26, 2023, thus I dismiss the claim for an order of possession.

Issue(s) to be Decided

Is the Landlord entitled to a Monetary Order for unpaid rent?

Is the Landlord entitled to recover the filing fee?

Background and Evidence

The fixed-term tenancy started on March 1, 2022 with an agreement of \$2,000.00 monthly rent due on the first day of each month. The Landlord holds in trust a \$1,000.00 security deposit paid by the Tenant on March 1, 2022.

The Landlord indicates unpaid rent in the amount of \$2,000.00 and issued the 10-Day Notice on May 3, 2023, with a move out date of May 13, 2023. The 10-Day Notice is signed, dated and indicates failure to pay rent in the amount of \$2,000.00.

In addition to the rent owed for May 2023, the Tenant has subsequently not paid the rent for June 2023. As a result, the Landlord requested to amend the application to include \$2,000.00 rent owed for June 2023. Pursuant to section 64(3)(c) of the Act, I amend the application from \$2,000.00 to \$4,000.00.

The Landlord provided the following evidence:

- A statement from MacDonald Property Management, explaining their accounting process and the Tenant's ledger with respect to unpaid rent.
- A ledger from Macdonald Property Management, outlining monthly rent, e-transfer payments and unpaid rent, with an outstanding balance of \$4,000.00 as of June 1, 2023.

Analysis

- Is the Landlord entitled to a Monetary Order for unpaid rent?

As I have dismissed the Tenant's application to cancel the notice, I must consider and grant the Landlord a monetary order for unpaid rent under section 55 of the Act.

I accept the undisputed testimony and records of the Landlord and find the Tenant owes \$4000.00 in unpaid rent. The \$1,000.00 deposits have accrued \$9.64 in interest, I order the Landlord to retain the deposit of \$1,009.64 in partial satisfaction of the unpaid rent.

- Is the Landlord entitled to recover the filing fee?

As the Landlord's application had merit, I award the Landlord the \$100.00 filing fee pursuant to section 72 of the Act.

Conclusion

The Tenant's application is dismissed without leave to reapply.

The Landlord is granted a monetary award of \$3,090.36:

Total Unpaid Rent	\$4,000.00
Filing Fee	\$100.00
Total Owing	\$4,100.00
Minus Security Deposit + Interest	\$1,009.64
Total Monetary Award	\$3,090.36

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: July 5, 2023

Residential Tenancy Branch