



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENTN COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR FF

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution dated March 9, 2016 (the "Application"). The Landlord applied for the following relief pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for unpaid rent or utilities; and
- a monetary order granting recovery of the filing fee.

The Landlord was represented at the hearing by S.K., who provided her solemn affirmation. The Tenant did not attend the hearing.

On behalf of the Landlord, S.K. testified that the Tenant was served with the Application, the Notice of a Dispute Resolution Hearing, and the Landlord's documentary evidence by registered mail on March 10, 2016. Canada Post receipts, including tracking information, confirm receipt by the Tenants on March 11, 2016. Accordingly, I find the Landlord's Application and Notice of a Dispute Resolution Hearing were received by the Tenants on March 11, 2016.

S.K. was given an 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 an order granting recovery of the filing fee?

Background and Evidence

The Landlord's documentary evidence included a copy of the tenancy agreement between the parties. S.K. confirmed a month-to-month tenancy began on June 24, 2015, and that the Tenants vacated the rental unit on March 17, 2016. Rent in the amount of \$1,359.00 per month was due and payable on the first day of each month.

On behalf of the Landlord, S.K. testified the Tenants did not pay rent for the month of March 2015 and that \$1,359.00 remains outstanding.

The Tenants did not attend the hearing.

Analysis

Based on the unchallenged and affirmed oral testimony, the documentary evidence submitted by the Landlord, and on a balance of probabilities, I find:

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. In this case, the Landlord testified, and I find, that the Tenants did not pay rent for the month of March 2016, and that \$1,359.00 remains outstanding. Accordingly, I am satisfied the Landlord has demonstrated an entitlement to an award for unpaid rent in this amount.

Having been successful, I find the Landlord is also entitled to recover the \$100.00 filing fee paid to make this Application. Pursuant to section 67 of the *Act*, I grant the Landlord a monetary order in the amount of \$1,459.00, which consists of \$1,359.00 for unpaid rent and \$100.00 for recovery of the filing fee.

Conclusion

I grant the Landlord a monetary order in the amount of \$1,459.00. This Order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: October 31, 2016

Residential Tenancy Branch

