



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Golden Goals Services Ltd.
and [tenant name suppressed to protect privacy]

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 December 28, 2017. The landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- to recover the filing fee from the tenant for the cost of this application.

The landlord attended the hearing and provided affirmed testimony. The tenant did not attend the hearing.

The Landlord stated that he sent a copy of the Application for Dispute Resolution along with supporting documentary evidence to the rental unit by registered mail on October 20, 2017. I find the tenant received this package on October 25, 2017, 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 sometime in November of 2017. As such, he no longer requires an order of possession. In consideration of this, I hereby amend the Landlord's application accordingly and will not be addressing his request for an order of possession any further.

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 \$900.00, and is due on the first of the month.

The Landlord provided a copy of the 10 Day Notice to End Tenancy for Unpaid Rent and Utilities (the 10 Day Notice), which he stated was personally served to the Tenant on October 2, 2017. At the top of the 10 Day Notice, the landlord specified that the tenant owed \$900.00 in rent at the time the notice was issued.

During the hearing, landlord stated that the Tenant also did not pay rent for November 2017, and he is looking to recover both October and November rent totalling \$1,800.00.

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 documentary evidence and testimony before me to demonstrate that the tenant owes and has failed to pay \$1,800.00 in rent for October and November of 2017. I find the landlord is entitled to a monetary order for this amount.

Further, 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. In summary, I grant the monetary order based on the following:

Claim	Amount
Unpaid rent: October and November of 2017	\$1,800.00
Filing fee	\$100.00
TOTAL:	\$1,900.00

Conclusion

The landlord is granted a monetary order pursuant to Section 67 in the amount of **\$1,900.00**. 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: December 29, 2017

Residential Tenancy Branch