



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes MNR FF

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, made on July 25, 2019 (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
- an order granting recovery of the filing fee.

The Landlord was represented at the hearing by J.S., an agent, who provided affirmed testimony. The Tenant did not attend the hearing.

On behalf of the Landlord, J.S. testified that the Application package was served on the Tenant by registered mail on July 31, 2019. A Canada Post registered mail receipt and tracking information were submitted in support. Notwithstanding the deemed service provisions in sections 89 and 90 of the *Act*, these documents confirm, and I find, that the Tenant received the Application package on August 14, 2019.

The Tenant did not submit documentary evidence in response to the Application.

J.S. was provided with a full 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 and to which I was referred. 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

On behalf of the Landlord, J.S. confirmed the tenancy began on February 21, 2013 and continues on a month-to-month basis. Rent is geared to income and is currently due in the amount of \$648.00 per month.

J.S. testified rent was not paid in full in October 2018 but that the Tenant has been paying in installments. Currently, \$162.00 remains outstanding. In support, the Landlord submitted a tenant ledger for the period from October 1, 2018 to August 1, 2019. In addition, J.S. confirmed a \$2.00 “key charge” from June 2019 has been paid and is no longer due.

The Landlord also applied to recover the \$100.00 filing fee paid to make the Application.

Analysis

Based on the undisputed and affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

With respect to unpaid rent, section 26 of the *Act* confirms that a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this *Act*, the regulations or the tenancy agreement, unless the tenant has a right under this *Act* to deduct all or a portion of the rent.

In this case, I find that rent was not paid when due in October 2018 and that \$162.00 remains outstanding. Having been successful, I also find the Landlord is entitled to recover the \$100.00 filing fee paid to make the Application.

Pursuant to section 67 of the *Act*, I find the Landlord is entitled to a monetary order in the amount of \$262.00, which has been calculated as follows:

Claim	Allowed
Unpaid rent:	\$162.00
Filing fee:	\$100.00
TOTAL:	\$262.00

Conclusion

The Landlord is granted a monetary order in the amount of \$262.00. The 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: November 18, 2019

Residential Tenancy Branch