



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, FF

Introduction

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to the Tenant via registered mail at the address noted on the Application, on September 04, 2008. A receipt and tracking number were submitted as evidence. The Canada Post website shows the mail was delivered on September 08, 2008. These documents are deemed to have been served in accordance with section 89 of the *Act*, however the Tenant did not appear at the hearing.

At the beginning of the hearing the Agent for the Landlord stated that she was withdrawing the application for an Order of Possession, as the Tenant had vacated the rental unit on September 21, 2008.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The tenancy agreement requires the Tenant to pay monthly rent of \$1,100.00 plus a monthly payment of \$84.00 in utilities.

The Agent for the Landlord stated that the Tenant still owes \$400.00 in rent from July of 2008, \$500.00 in rent from August of 2008, and \$1,100.00 in rent from September of 2008. The Agent also stated that the Tenant owes \$84.00 in utilities from June of 2008, \$84.00 in utilities from July of 2008, \$84.00 in utilities from August of 2008, and \$84.00 in utilities from September of 2008.

Analysis

In the absence of evidence to the contrary, I find that the Tenant has not paid rent in the amount of \$2,000.00 and that she has not paid utilities in the amount of \$336.00.

I find that the Landlords application has merit, and I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$2,386.00, which is comprised on \$2,000.00 in unpaid rent, \$336.00 in unpaid utilities and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution.

Based on these determinations I grant the Landlord a monetary Order for the balance of \$2,386.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Date of Decision: October 02, 2008
