

# Dispute Resolution Services

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

## **DECISION**

**Dispute Codes:** MNR FF

### **Introduction**

This was an application by the landlord for a Monetary Order for three (3) months of unpaid rent at \$2000 per month for the months of August, September, and October 2008, and recovery of the filing fee of \$100 for the cost of the application. Despite having been served with the application for dispute resolution and notice of hearing by October 29, 2008 the tenant did not participate in the conference call hearing.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The facts before me were as follows. The tenancy began on April 15, 2008 as a 1 year fixed tenancy with rent due in advance on the 1st day of each month. At the outset of the tenancy a security deposit was paid in the amount of \$1000.

The landlord has provided copies of 5 cheques from the tenant to the landlord dated from September 25 to August 29, 2008 totaling \$22,000. Each of the cheques is marked with a stamp indicating the cheques as Non Sufficient Funds (NSF). The landlord gave sworn testimony that the cheques were progressive attempts by the tenant to pay rent for the months of August through to December 2008. The cheques copies also appear to contain notations to the same effect.

On October 2, 2008 the landlord went to the rental unit to deliver a notice to end the tenancy and discovered that the tenant had vacated the rental unit without payment of rent for the months of August, September and October. To the best of her ability she

determined the rental unit had been abandoned on October 1, 2008. On information from another owner within the same building she further determined the tenant had moved out of the rental unit into the other owner's unit within the same building into unit #202.

### **Analysis**

Based on the landlord's testimony I find that the tenant gave up the tenancy and possession of the rental unit without proper notice to the landlord and still owing rent to the landlord for the months of August, September and October, 2008. The tenant has not paid the outstanding rent and has not responded to the notice of a dispute resolution hearing.

Based on the above facts I find that the landlord has established a claim for \$6000 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee for a total monetary claim of \$6100.

### **Conclusion**

I order that the landlord retain the security deposit and interest of \$1006.97 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$5093.03. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated: November 24, 2008

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Dispute Resolution Officer