



Dispute Resolution Services

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

Decision

Dispute Codes:

OPR, OPC, OPL, MNR

Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession and a monetary Order for unpaid rent. The Agent for the Landlord withdrew the application for an Order of Possession, as the Tenants vacated the rental unit on December 08, 2008.

The Agent for the Landlord stated that copies of the Application for Dispute Resolution and Notice of Hearing were sent to both Tenants via registered mail at the address noted on the Application, on November 21, 2008. Two tracking numbers were provided. The Canada Post website shows neither package of the mail was picked up by the recipients. These documents are deemed to have been served in accordance with section 89 of the *Residential Tenancy Act (Act)*, however the Tenants did not appear at the hearing.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to a monetary Order for unpaid rent, pursuant to sections 67 of the *Residential Tenancy Act (Act)*.

Background and Evidence

The Agent for the Landlord stated that the Tenants are required to pay monthly rent of \$1,300.00.

The Agent for the Landlord stated that a ten (10) day Notice to End Tenancy for non-payment of rent, which had an effective date of November 10, 2008, was personally served on the Tenants on November 05, 2008. The Notice indicated that the Notice would be automatically cancelled if the Landlord received the outstanding rent within

five days after the Tenants are assumed to have received the Notice. The Notice also indicated that the Tenants are presumed to have accepted that the tenancy is ending and that the Tenants must move out of the rental by the date set out in the Notice unless the Tenants file an Application for Dispute Resolution within five days. The Agent for the Landlord stated that the Tenants vacated the rental unit on December 08, 2008.

The Agent for the Landlord stated that the Tenants still owe \$1,300.00 in rent from November of 2008, and that they paid no rent for December of 2008.

Analysis

In the absence of evidence to the contrary, I find that the Tenant has not paid rent in the amount of \$1,300.00 for November of 2008, and that the Landlord is entitled to compensation in that amount.

I am unable to grant the Landlord compensation for unpaid rent from December, as the Landlord did not make application for this in her Application for Dispute Resolution.

Conclusion

I find that the Landlord has established a monetary claim, in the amount of \$1,300.00, for unpaid rent. Based on these determinations I grant the Landlord a monetary Order for the balance of \$1,300.00. 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: December 09, 2008.