

Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

The Landlord’s agent gave affirmed evidence and this matter proceeded on its merits.

Preliminary Matter

At the onset of the Hearing, the Landlord’s agent testified that the Tenant moved out of the rental unit at the end of February, 2009. Therefore the Landlord’s agent withdrew the Landlord’s application for an order of possession.

Issue(s) to be Decided

This is the Landlord’s application for a Monetary Order for unpaid rent, to retain the security deposit, and recover the filing fee from the Tenant.

Background and Evidence

Landlords’ evidence

The Landlord’s agent testified that she personally served the Tenant with the Notice to End Tenancy on February 3, 2009, by leaving a copy of the Notice at the Tenant’s residence with an adult person who resides at the rental unit.

The Landlord's agent testified that she mailed the Tenant a copy of the Application for Dispute Resolution and hearing package on February 12, 2009 by registered mail to the Tenants' residence. The Landlord's agent provided a tracking number for the registered mail and testified that she searched the Canada Post website, which indicated that the Tenant picked up the package on February 16, 2009.

The Landlord's agent gave the following evidence:

- There is a written tenancy agreement, a copy of which the Landlord provided into evidence. The tenancy started on February 1, 2008. The monthly rent was \$725.00, due on the 1st day of the month. The Tenant paid a security deposit in the amount of \$347.50 on January 27, 2008.
- The Tenant has not paid anything towards arrears of rent for the month of February, 2009.

Analysis

I accept the Landlord's agent's testimony that she mailed the Tenant the Notice of Hearing Package and Application for Dispute Resolution on February 12, 2009, by registered mail. In spite of being served with the documents, the Tenant did not appear at today's Hearing and the Hearing proceeded in her absence.

The Landlord has established its monetary claim for rent arrears for February, 2009, in the amount of \$725.00. Pursuant to Section 72 of the Act, the Landlord may apply the security deposit, together with any accrued interest thereon, towards satisfaction of this debt.

The Landlord has been successful in its application and is entitled to recover the filing fee in the amount of \$50.00 from the Tenant.

I therefore make a monetary order in favour of the Landlord the amount of \$422.66, calculated as follows:

Unpaid rent:	\$725.00
Recovery of filing fee	\$50.00
Less security deposit and interest of \$4.84	<u><\$352.34></u>
TOTAL	\$422.66
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Conclusion

I grant the Landlord a monetary order in the amount of \$422.66 against the Tenant. This order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an order of that Court.

March 31, 2009
