



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

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Decision

Dispute Codes: MNDC, MNR, 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 gave affirmed evidence and this matter proceeded on its merits.

Issue(s) to be Decided

This is the Landlords’ application for a Monetary Order for unpaid rent and to recover the filing fee from the Tenant for the cost of this application.

Background and Evidence

Landlords’ evidence

The Landlord testified that she mailed the Tenant the Application for Dispute Resolution and hearing package on February 19, 2009, by registered mail to the address the Tenant gave when he entered into the tenancy agreement. The Landlord provided a tracking number for the registered mail package. Normally, this would not constitute service, but a Canada Post tracking search confirms that the Tenant picked up the registered mail package on March 2, 2009. Therefore the Tenant was aware of today’s hearing and the particulars of the Landlord’s application. The Tenant did not appear at the Hearing and we proceeded in his absence.

The Landlord testified that:

- The Tenant and a co-tenant entered into a tenancy agreement with the Landlord on December 1, 2008. It was a fixed term lease, expiring November 30, 2009. Monthly rent was \$1,350.00, due on the first of every month. The Tenant paid a security deposit to the Landlord on November 6, 2008, in the amount of \$300.00.
- The Tenant did not move into the rental unit.
- The Tenant paid his share of the rent for December, 2008. The Tenant did not pay his share of the rent in the amount of \$675.00 for the month of January, 2009.
- The co-tenant and the Landlord entered into a new tenancy agreement on February 1, 2009, without the Tenant as a party.
- The Landlord asked for a monetary order for unpaid rent against the Tenant in the amount of \$675.00 and to recover the cost of the filing fee from the Tenant.

Analysis

In the absence of any evidence to the contrary from the Tenant, the Landlord has established the Landlords' monetary claim for arrears in the amount of \$675.00 for January, 2009.

The Landlords have been successful in their application and are entitled to recover the filing fee in the amount of \$50.00 from the Tenant.

Pursuant to Section 72 of the Act, the Landlords may apply the Tenant's security deposit towards partial satisfaction of their claim.

The Landlord is entitled to a monetary order, calculated as follows:

Unpaid rent for January, 2009:	\$675.00
Recovery of the filing fee:	\$50.00
Less security deposit and accrued interest:	<u><\$300.69></u>
TOTAL	\$424.31

Conclusion

I grant the Landlords a monetary order against the Tenant in the amount of \$424.31. 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.

May 12, 2009
