



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This matter dealt with an application by the landlord for an Order of Possession. A Monetary Order for unpaid rent, A Monetary Order for loss or damage under the Act or tenancy agreement and to recover the filing fee for this proceeding. The landlord also applied to keep all or part of the security deposit.

Service of the hearing documents was done in accordance with s. 89 of the *Act*. They were hand delivered to the tenant on, April 08, 2009. I find that the tenant was properly served pursuant to s. 89 of the *Act* with notice of this hearing and the hearing proceeded in the tenant's absence.

At the outset of the hearing the landlord confirmed that the tenant's have paid \$1000.00 towards their rent arrears and as a result the landlord has abandoned her application for an Order of Possession and for a monetary order to keep all or part of the tenant's security deposit and for loss or damage under the *Act* or tenancy agreement.

### Issues(s) to be Decided

- Are there arrears of rent and if so, how much?
- Is the Landlord entitled to recover filing fees from the tenant for the cost of the application?

## Background and Evidence

The tenants moved into the rental unit on October 01, 2008. Rent was \$770.00 per month payable on the 1<sup>st</sup> day of each month. The tenants paid a security deposit of \$385.00 on October 01, 2008. The tenants paid \$500.00 towards their rent for February, 2009 and have not paid rent for March or April. The rent outstanding was \$1810.00. The landlord served the tenants with a 10 Day Notice to End Tenancy on March 15, 2009 and since that date the tenants have paid \$1000.00 towards their rent arrears.

The landlord states that the tenants have always been good tenants and she has withdrawn her application for an Order of Possession.

## Analysis

In the absence of any evidence from the tenants, I find that the landlord is entitled to recover outstanding rent for February of \$270.00 and rent arrears for March and April of \$1540.00. The tenants have paid \$1000.00 in partial payment of the arrears and this will be deducted from the total amount owing to the landlord.

As the landlord has been successful in this matter, she is also entitled to recover her \$50.00 filing fee for this proceeding.

The landlord will receive a monetary order for the balance owing as follows:



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Outstanding rent for February	\$270.00
Filing fee	\$50.00
Less rent paid	-\$1000.00
Total	<b>\$860.00</b>

## Conclusion

A Monetary order in the amount of **\$860.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount of the order is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: May 01, 2009.

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Dispute Resolution Officer