



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes MNR, FF, O

Introduction

This matter dealt with an application by the Landlords for a monetary order for unpaid rent as well as to recover the filing fee for this proceeding. The Landlords said they served the Tenant by registered mail on March 6, 2009 with a copy of the Application and Notice of Hearing. Based on the Landlords' evidence, I find that the Tenant was served as required under s. 89 of the Act and the hearing proceeded in the Tenant's absence.

Issues(s) to be Decided

1. Are there arrears of rent and if so, how much?

Background and Evidence

This month to month tenancy started on December 1, 2008 and ended on February 9, 2009 when the Tenant moved out. Rent was \$800.00 per month payable on the 1st day of each month. The Landlords said they served the Tenant with a 10 Day Notice for Unpaid Rent and Utilities on January 29, 2009 because he was in arrears of rent of \$500.00 for December, 2008 and \$400.00 for January, 2009. The Landlords said the Tenant did not pay any rent for February, 2009 and is now in arrears of rent in the total amount of \$1,700.00.

The Landlords claimed that the Tenant said he only owed \$1,500.00 so they e-mailed him and told him that they would be prepared to accept that amount but he did not respond. The Landlords claim that the Tenant may have been including a \$200.00 cheque that he gave to them in January, 2009 which was returned for non-sufficient funds. The Landlords said they were unable to re-rent the rental unit for February, 2009.

Analysis

In the absence of any evidence from the Tenant to the contrary, I find that there are rent arrears of \$1,700.00. I also find that the Landlords are entitled to recover their \$50.00 filing fee for this proceeding.



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Conclusion

A monetary order in the amount of \$1,750.00 has been issued to the Landlords and a copy of it must be served on the Tenant. If the amount 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: June 02, 2009.

Dispute Resolution Officer