

# Dispute Resolution Services

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

## **DECISION**

### **Dispute Codes:**

MNR, MNSD, MNDC, FF

### **Introduction**

This hearing was convened in response to an application by the landlord for a Monetary Order to recover rental arrears and inclusive of recovery of the filing fee associated with this application to a total of \$5000., and an order to retain the security deposit in partial satisfaction of the monetary claim.

I accept that despite having been deemed served with the application for dispute resolution and notice of hearing by registered mail in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was not able to supply the tracking number for the registered post.

### **Issue(s) to be Decided**

Is the landlord entitled to the monetary amounts claimed?

### **Background and Evidence**

The tenancy began on November 21, 2005. The tenants rented a home in a Manufactured Home Park. The tenants left without notice to the landlord on October 31, 2008. Rent in the amount of \$450 was payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$225. The tenant failed to pay rent from the spring of 2006 to the fall of 2008. Most months, the tenant paid a very small portion of the total rent. Many months the tenant paid no rent or cheques were returned as NSF. Altogether, the landlord claims the tenant owes him several thousand dollars more than he has claimed; but that he did not want to pay the extra filing fee given he will have a very difficult time collecting any money due to him from any potential monetary order

granted. The landlord's attitude toward his tenants in the Manufactured home Park, was, at best, unsophisticated. In part, the landlord was able to supply a copy of 1 cheque made out to the landlord by the tenants dated October 21, 2008 in the amount of \$700, stamped as *Stop Payment*. The quantum of the landlord's monetary claim is **\$5000**.

### **Analysis**

Based on the undisputed testimony of the landlord, I find that on the preponderance of the evidence and in light of the generally unsupported claim of the landlord, I find the tenant has not paid outstanding rent claimed by the landlord in the amount of \$700. I find that the landlord is entitled to a Monetary Order for unpaid rent in the amount of **\$700**. The landlord is also entitled to recovery of the **\$50** filing fee, for a total entitlement of **\$750**.

### **Conclusion**

**I order** that the landlord retain the deposit and accrued interest of \$232.39 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$517.61**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated June 05, 2009