



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes

OPR, MNR, MNSD, & FF

Introduction

This hearing dealt with the landlord's application seeking an Order of Possession and a monetary claim due to the tenants' failure to pay rent. Although the tenants were served with notice of this application and hearing by registered mail on June 22, 2009, they did not appear. Section 90 of the Residential Tenancy Act determines that a document is deemed to have been served on the fifth day after it was sent.

Issues(s) to be Decided

Is the landlord entitled to a monetary claim due to non-payment of rent by the tenants?

Background and Evidence

This tenancy began on May 1, 2003 for the monthly rent of \$525.00 and a security deposit of \$262.50.

On June 4, 2009 the tenants were served with a 10 day Notice to End Tenancy due to Unpaid Rent when it was posted to the door of the rental unit. The Notice states that the tenant had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenant did not apply to dispute the Notice to End Tenancy within five days.

The landlord stated that the tenants vacated the rental unit as of June 30, 2009 and an Order of Possession is no longer necessary. The landlord seeks a monetary claim for outstanding rent owed for the sum of \$2,020.00 plus the recovery of the \$50.00 filling fee paid for this application. The landlord also seeks to retain the tenants' security deposit plus interest in partial satisfaction of this claim.

Analysis

I grant the landlord's application and accept the evidence that the tenants failed to pay the rent for the months of March, April, May, and June 2009 for the sum of \$2,020.00. I accept that the tenancy ended effective June 30, 2009.



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From this sum I Order that the landlord may retain the tenants' security deposit plus interest of \$271.79 in partial satisfaction of this claim. I grant the landlord a monetary Order for the remaining balance owed of **\$1,798.21**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion

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*. I have granted the landlord a monetary Order due to the tenants' failure to pay rent.

Dated: July 31, 2009.

Dispute Resolution Officer