



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlord's request for an Order of Possession for unpaid rent, a Monetary Order for unpaid rent, and recovery of the filing fee. The tenant did not appear at the hearing. The landlord provided testimony that he served the tenant with notification of today's hearing in person on May 21, 2009 at the rental unit. Having been satisfied that the landlord adequately served the tenant in accordance with the requirements of the Act, the hearing proceeded without the tenant present.

At the commencement of the hearing the landlord stated that the tenant vacated the rental unit on May 31, 2009. As the tenant has vacated the landlord no longer requires an Order of Possession and the remainder of this decision pertains to the landlord's monetary claims only.

Issues(s) to be Decided

1. Whether the landlord is entitled to a Monetary Order for unpaid rent, and if so, the amount.
2. Award of the filing fee.

Background and Evidence

The landlord provided evidence that the tenancy commenced September 18, 2008 and the tenant was required to pay rent of \$1,400.00 per month. The tenant had paid a \$700.00 security deposit at the commencement of the tenancy. Starting in April 2009 the landlord reduced the rent payable to \$1,250.00 in recognition of the economic downturn. On May 5, 2009 the landlord personally served the tenant with a *10 Day*

Notice to End Tenancy for Unpaid Rent (the Notice) with an effective date of May 15, 2009 and showing unpaid rent of \$1,300.01. The landlord testified that this amount likely included late fees or other administrative fees; however, in making this application, the landlord was not claiming any administrative fees.

In making this application, the landlord sought compensation for \$1,200.42. The landlord provided a ledger account showing \$1,200.42 was owed as of May 1, 2009. This amount was comprised of rent for May 2009 in the amount of \$1,250.00 less a credit of \$49.58 from the month of April 2009. The landlord also provided a copy of the 10 Day Notice and tenancy agreement as evidence for the hearing.

Analysis

Upon review of the evidence before me, I am satisfied that the tenancy ended on May 15, 2009 and the landlord is entitled to recover unpaid rent of \$1,200.42 from the tenant for the month of May 2009. I also award the landlord the filing fee paid for this application. The landlord is provided a Monetary Order in the total amount of \$1,250.42 to serve upon the tenant.

As the landlord did not request retention of the security deposit, the security deposit remains in trust for the tenant to be administered in accordance with the provisions of the Act and regulations.

Conclusion

The landlord is provided a Monetary Order in the amount of \$1,250.42 to serve upon the tenant.



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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: July 02, 2009.

Dispute Resolution Officer