

Dispute Resolution Services

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

DECISION AND REASONS

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim.

Service of the hearing document, by the landlord to the tenant, was done in accordance with section 88 of the *Residential Tenancy Act*, sent via registered mail on May 22, 2009. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

During the hearing, the landlord testified that the tenant had paid most of what she owed towards rent and the landlord agreed to allow the tenancy to continue. Accordingly, the landlord withdrew her application for an order of possession. Since the tenancy will not be ending, the landlord also withdrew her application to retain the security deposit.

Therefore, this hearing only dealt with the landlord's monetary claim for the balance of the rent that the tenant owed and the recovery of the filing fee.

Issues to be decided

Is the landlord entitled to a monetary order to recover unpaid rent and the filing fee?

Background and Evidence

The landlord testified that the tenancy started on April 01, 2008. The monthly rent is subsidised and the tenant's portion is \$495.00 due in advance on the first of each month.

The tenant fell behind on rent and as of May 01, 2009, she owed \$1798.00. On May 06, 2009, the landlord served the tenant with a ten day notice to end tenancy for non payment of rent. The tenant paid her debt in instalments and as of this date, she owes the landlord \$332.14. The landlord is seeking a monetary order to recover this amount and also to recover the filing fee of \$50.00.

Analysis

Section 26 of the *Residential Tenancy Act*, states that a tenant must pay rent when it is due under the tenancy agreement. In the absence of evidence to the contrary, I accept the landlord's testimony and I find that the tenant owes \$332.14 in unpaid rent. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00.

I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of **\$382.14**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord a monetary order for **\$382.14**.

Dated July 02, 2009.

Dispute Resolution Officer