

Dispute Codes:

MNR, MNSD, FF

Introduction

I have been delegated the authority under Section 9.1 of the *Residential Tenancy Act* (the “Act”) to hear this matter and decide the issues.

This is a reconvened Hearing. An interim decision was issued at a Direct Request Proceeding on June 5, 2009. The Dispute Resolution Officer was not satisfied that the Tenant had been served with the Notice of Direct Request Proceeding and ordered that the matter be set down for a participatory hearing, via teleconference, to determine the merits of the Landlord’s application. The Dispute Resolution Officer also ordered that the Landlord serve the Tenant with copies of: the interim decision; the Notice of Reconvened Hearing; the Application for Dispute Resolution; and any evidence on which the Landlord intended to rely within 3 days of receiving the interim decision.

I reviewed the evidence provided prior to the Hearing. The Landlord’s agent gave affirmed evidence and the Hearing proceeded on its merits.

Preliminary Matter

At the onset of the Hearing, the Landlord testified that the Tenant had vacated the rental unit on June 22, 2009. Therefore, an Order of Possession is not required and the Landlord withdrew his application for an Order of Possession.

Issues to be Decided

This is the Landlord’s application for a Monetary Order for unpaid rent; to keep the security deposit paid by the Tenant; and to recover the filing fee from the Tenant for the cost of filing the application.

Background and Evidence

Landlord’s agent’s testimony and evidence

The Landlord’s agent gave the following testimony:

- On May 13, 2009, the Landlord's agent mailed the Tenant the Notice to End Tenancy for Unpaid Rent in the amount of \$1,450.00, via registered mail, to the rental unit. The Landlord provided a tracking number for the registered mail documents.
- The Landlord's agent served the Tenant with the Interim Decision and Notice of Hearing package by handing the documents to the Tenant at the rental unit on June 8, 2009.
- Monthly rent was \$700.00, plus \$25.00 for parking fees. The Tenant paid a security deposit in the amount of \$350.00 on January 23, 2008. On November 20, 2008, the Tenant also paid a deposit for a laundry card in the amount of \$10.00.
- The Landlord's agent amended the Landlord's monetary claim. The Tenant has paid some of the outstanding rental arrears, and the balance the Tenant now owes to the Landlord is \$530.00.
- The Landlord has not been able to re-rent the rental unit. The Tenant vacated the rental unit without leaving a forwarding address.

Analysis

I am satisfied that the Tenant was duly served with the Notice to End Tenancy, the Interim Decision and Notice of Hearing package.

Based on the testimony of the Landlord's agent, and in the absence of any evidence from the Tenant, the Landlord has established a monetary claim for unpaid rent in the amount of \$530.00. Further to Section 72(2)(b) of the Act, the Landlord may apply the security deposit, together with interest accrued thereon, and the laundry card deposit to its monetary claim.

The Landlord has been successful in its application and is entitled to recover the cost of the filing fee from the Tenant.

The Landlord has established a Monetary Order, as follows:

Unpaid Rent	\$530.00
Filing fee	<u>50.00</u>
Sub total (Monetary Order in favor of the Landlord)	\$580.00
Less Deposits of \$360.00 plus interest of \$4.93	- 364.93
TOTAL OFF-SET AMOUNT DUE TO THE LANDLORD	\$215.07

Conclusion

The Landlord's application for an Order of Possession was withdrawn, as the Tenant vacated the rental unit on June 22, 2009.

I HEREBY FIND in favor of the Landlord's monetary claim in the amount of \$215.07 against the Tenant. The monetary Order must be served on the Tenant and may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an order of that Court.

Dated: July 8, 2009.
