



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 an Application for Dispute Resolution by the landlord to obtain an Order of Possession, a Monetary Order for unpaid rent, an Order to keep all or part of the security deposit and to recover the cost of the filing fee. At the outset of the hearing the landlords' agent confirmed that the tenants have moved out and they withdraw their application for an Order of Possession. The landlord requests to amend their application amount as there is a mistake on the calculation of outstanding rent. This request has been allowed.

Service of the hearing documents, by the landlord to the tenant, was done in accordance with section 89 of the *Act*, sent via registered mail on June 22, 2009. Mail receipt numbers were provided in the landlord's documentary evidence. These documents were delivered to the tenants address on June 23, 2009.

The landlords agent appeared, gave affirmed testimony, was provided the opportunity to present his evidence orally, in writing, and in documentary form. There was no appearance for the tenant, despite being served notice of this hearing in accordance with the *Residential Tenancy Act*. All of the testimony and documentary evidence was carefully considered.

Issues(s) to be Decided

This is a request for a monetary order for \$1,476.73, for unpaid rent and a request to keep the tenants security deposit in partial payment of the outstanding rent. The landlord also seeks an Order for the respondent to bear the cost of the filing fee paid for this application.



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Background and Evidence

This tenancy started on March 01, 2008 and ended on June 30, 2009. Rent for this unit is \$835.00 per month due on the 1st of each month. The tenant paid a security deposit of \$417.50 on February 15, 2008.

From February 2009 the tenant has accumulated rent arrears where rent was paid late and amounts were outstanding for each month. At the beginning of April, 2009 these arrears stand at \$1,720.00. The tenant made a payment of \$298.27 on April 15, 2009 and a payment of \$445.00 on April 27, 2009. By the beginning of May, 2009 the rent arrears stand at \$1,811.73. On May 14, 2009 the tenant paid \$420.00 and on May 20, 2009 he paid \$400.00. At the beginning of June, 2009 these arrears stand at \$1,826.73. On June 09, 2009 the tenant paid \$400.00. The tenant has not paid any rent since this date and the total arrears are \$ 1,426.73.

The landlord issued a 10 Day Notice to End the Tenancy for unpaid rent on June 10, 2009. This was given in person to the tenant by the resident manager of the property. This is deemed to have been served on the same day. The tenant had five days to either pay the outstanding rent or apply for Dispute Resolution or the tenancy would end on June 20, 2009. The tenant did not pay the outstanding rent or dispute the Notice. The landlord applied for Dispute Resolution and the tenant left the rental unit on June 30, 2009.

Analysis

The tenant did not appear at the hearing, despite having been sent a Notice of the hearing; therefore, in the absence of any evidence from the tenant, I find that the landlord is entitled to recover rent arrears that have accumulated since February, 2009 of **\$1,426.73** pursuant to s.67 of the *Act*.

I order the landlord pursuant to s. 38(4) of the *Act* to keep the tenant's security deposit in partial payment of the rent arrears.



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As the landlord has been successful in this matter, they are also entitled to recover the \$50.00 filing fee for this proceeding pursuant to s. 72(1) of the *Act*.

The landlord will receive a monetary order for the balance owing as follows:

Rent arrears	\$1,426.73
Less security deposit and accrued interest	(-\$422.99)
Total amount due to the landlord	\$1,053.74

Conclusion

I HEREBY FIND in favor of the landlord's monetary claim. A copy of the landlord's decision will be accompanied by a Monetary Order for **\$1053.74**. The order must be served on the tenant and is enforceable through the Provincial Court as an order of that Court.

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 31, 2009.

Dispute Resolution Officer